SENATE—*Friday, March 30, 1984*

(Legislative day of Monday, March 26, 1984)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable WARREN RUDMAN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of truth and justice, we thank Thee for the Senate press and media—for their tireless efforts to get the news. We thank Thee for their willingness, when circumstances demand it, to take great risks in dangerous situations. We pray for Jerry Levin, missing now for more than a month, wherever he is, that Thou will be with him and his loved ones.

Help the press and the media not to be hardened when they suffer the wrath of those who resent it when truth is exposed—or by the hypocrisy, caprice, and weakness of human flesh—remembering that they also are human. Save them from cynicism and help them not to impregnate the public mind with seeds of cynicism.

Gracious God, help them to be aware of the awful power of words to kill—the futility of retracting destructive words even if they are false, once they have been published. Give them empathy for the pain and helplessness of those damaged by false accusation or half-truths.

Grant them wisdom to comprehend the dependence of the people for the information they dispense, and help them never to forget the awesome influence of their profession and its incumbent responsibility. Help us all to appreciate the indispensability of a free press and to accept the risks implicit in this freedom as in all freedom. In the name of Jesus, incarnate truth. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 30, 1984.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WARREN RUDMAN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. RUDMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

PRAYER FOR THE PRESS

Mr. BAKER. Mr. President, once again, I am fascinated by the prayer of our distinguished Chaplain this morning.

I must say that I do not think I ever heard a Chaplain here or anyplace else whose prayers I really listened to, but I do listen to his. I have to confess that sometimes I find them almost controversial. Sometimes I am tempted to ask for equal time, but I do not, because I know full well that what the Chaplain is saying is true, and well reasoned, and appropriate. But he invariably proposes something that is worthwhile, and relevant, and sometimes provocative.

As to his prayer this morning about the press, I agree with every word of it. Seriously, I join him in the expression of those thoughts. But those of us in public life think of the press instinctively in adversarial terms, sometimes.

I am reminded of the story about the man in Tennessee who came home for lunch during a trial. His wife said, "How are we doing?"

He replied, "They're telling lies on us—and they're proving part of it."

[Laughter.]

And so it is. The press is often unfair, we think, but often accurate as well; and some place or other, the balance is worthwhile and invaluable.

ALLOCATION OF LEADERS' TIME

Mr. BAKER. Mr. President, I ask unanimous consent that any time I do not use, together with the time assigned to the minority leader under the standing order, may be reserved for our use as we may request during the balance of this day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Mr. President, at 10:30 this morning the Senate will resume consideration of House Joint Resolution 492. Under the order entered last evening, all amendments are eligible except those dealing with Central America.

Senators who have amendments—and there are a number of them—dealing with matters other than Central America are encouraged to come to the floor and offer those amendments as soon as possible today. I know of some agriculture amendments, some Public Law 480 amendments which are agriculture related, and other amendments that have been made known to the leadership on this side. I urge Senators to come to the floor and offer those amendments as soon as possible.

May I say, in all candor, that it is the hope of the leadership that we can get two or three or maybe four amendments out of the way today, by midafternoon. It is the hope of the leadership on this side that we can finish our business by midafternoon—say, 3 o'clock or thereabout—and recess over until Monday.

Mr. President, I have no further need at this moment for my time under the standing order, and pursuant to the request just granted, I reserve the remainder of my time.

Mr. President, there is a special order this morning in favor of the Senator from Wisconsin, who is not yet on the floor. I ask unanimous consent that it may be in order to suggest the absence of a quorum, without it being charged against his special order time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I offer my time remaining under the standing order to the distinguished minority leader, if he has use for it.

Mr. BYRD. Mr. President, I thank the distinguished majority leader, and I do accept his offer.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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Mr. BAKER. Mr. President, I assign my remaining time to the minority leader.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. BYRD. Mr. President, if I do not use all my time and the majority leader's time, I should like to yield back to him the remainder of such time.

DISABILITY INSURANCE REFORM IS ESSENTIAL

Mr. BYRD. Mr. President, on Tuesday, March 27, the House passed—by the remarkable record vote of 410 to 1—far-reaching legislation reforming the social security disability insurance program: H.R. 3755, the Social Security Disability Amendments of 1984. Action on similar legislation by the Senate is long overdue.

If there is an obvious circumstance calling for congressional action, this is it. Disabled persons—millions of them—are being hurt by the administration's policies. The appeals process is clogged. States by the dozens are thumbing their noses at the administration's directives to review and terminate disabled beneficiaries. It is our responsibility to act—and we ought to act immediately.

In 1980, Congress responded to reports that disability payments were being paid to some persons who were not truly disabled, by enacting the Social Security Disability Amendments of 1980. The Social Security Administration, or SSA, was required by this act to begin in 1981 to review the status of each SSDI recipient at least once every 3 years unless the recipient's disability had been classified as permanent.

Apparently, the administration saw a chance to obtain dramatic savings by instituting these reviews immediately when it took office in 1981—but without assuring that the review criteria were carefully determined and without carefully training the disability program workers who would make the reviews. More remarkably in the words of the New York Times, SSA officials "quietly made clear * * * that more claims were to be denied."

The history of the program since then speaks for itself. Since March 1981 when the reviews began, well over 1 million disabled persons' cases have been reviewed. For some time, the rate of termination from these reviews was running at close to 50 percent. For over a year it hovered around 45 percent. When loud objections began to surface over this in 1983, the administration took some limited steps to reduce the severity of these reviews, and the termination rate dropped below 40 percent. Nonetheless, so far benefits have been terminated for approximataely 470,000 persons.

Many of those whose benefits were terminated appealed the termination decision. Administrative law judges within the Health and Human Services Department reversed so many of these termination decisions that it was plain to see that the reliability of the SSA's new review processes was suspect at best, and more likely wholly unacceptable.

To add to the consternation caused to the disabled by this newly fierce review process, the number of appealed terminations further clogged an appellate process already near total collapse. Currently, over 120,000 appeals cases are pending before the administrative law judges—and at some points the number awaiting action on appeals has been much higher. Some individuals must wait from 6 to 12 months even to get a hearing before an administrative law judge, and judges often have concluded at such hearings that termination was unwarranted in the first place. It should come as no surprise that this kind of treatment has caused needless agony and uncertainty to the disabled—most of whom believe they have no prospect of obtaining or successfully holding gainful employment.

For a number of months, Congress intervened to allow benefits to be paid until appeals completed the administrative law judge level of the appellate process. But Congress failed to extend this emergency provision beyond December 7 of last year. But even that temporary tourniquet—no longer available—had its shortcomings, greatly exacerbated by the long delays being experienced in the appellate process. If a person chose to continue receiving benefits during the course of his appeal, but ultimately was found to be ineligible, he was obligated to repay all benefits since the initial decision. Even if such persons were convinced that they truly were disabled and the appellate process should affirm their eligibility, the possibility of a contrary verdict understandably produced fear and tension. This emergency device is by no means a suitable or sufficient solution to the fundamental problems of the SSDI program.

A number of the terminations of benefits ultimately have been appealed to the Federal courts, and many of the decisions in these cases have faulted the administration. Some of those decisions have directed SSA to use evidence of medical improvement as a standard for determining whether a person no longer remains disabled and can be terminated, and some have found that standards used to determine eligibility of the mentally impaired disabled were improper and unfounded. But SSA has refused to abide by these decisions except in the individual case considered by the court—and has instructed its administrative law judges to continue to apply its existing standards and policies rather than court rulings.

Things have gotten so bad that more than half the States—including my own State of West Virginia—either of their own accord or because they have been ordered to do so by the courts, have taken matters into their own hands. These rebelling States have tossed out the SSA eligibility determination and redetermination criteria and substituted their own, or they have imposed a moratorium on all disability program terminations until adequate criteria are developed and implemented. In effect, we no longer have a national disability insurance program.

There have been a number of Members of this body who have taken the lead in examining the scope of the problems with the SSDI program and in devising legislation to address those problems. Principal among these have been the distinguished chairman and ranking minority members of the Governmental Affairs Subcommittee on Oversight, Senators COHEN and LEVIN. Based upon evidence obtained at hearings on their subcommittee, they introduced remedial legislation in 1982 and again in 1983. Their 1983 bill, S. 476 has 33 other Senators as cosponsors, of whom I am proud to be one. Chairman HEINZ of the Senate Aging Committee also has been deeply involved in this field.

On March 15 of this year, these three Senators published an amendment in the RECORD which updates S. 476. Let me review some of the components of the amendment.

It requires SSA to conduct disability reviews reasonably according to procedures insuring fair consideration of beneficiaries' and applicants' conditions.

It requires SSA to show medical improvement in order to terminate a beneficiary, unless SSA can show the individual is performing substantial gainful activity; that there was error or fraud in the previous determination of disability; that the individual benefited from advances in medical or vocational therapy or technology; or that the person, based on new diagnostic technologies, is less disabled than previously thought.

It requires SSA to consider a claimant's pain in determining eligibility if medical findings show pain exists, even if no medical findings confirm the origin or condition causing the pain.

It requires SSA to continue the current emergency practice of paying benefits to beneficiaries declared ineligible in disability reviews, if appealed,

until an administrative law judge rules in the case.

It requires SSA to consider the combination of multiple impairments in determining whether or not an individual has a severe impairment for purposes of determining eligibility.

It establishes a moratorium on the eligibility review of all persons with mental impairments until reasonable eligibility criteria applying to mental impairment are set in place. This provision stems from S. 1144, authored by the distinguished Senator from Pennsylvania (Mr. HEINZ), which I was pleased to cosponsor.

Mr. President, I am pleased to join in support of this amendment. It is carefully drawn and both fiscally and programmatically responsible in the way it makes the changes in this program that so badly need to be made.

Mr. President, in my opinion, Congress should have acted to pass this legislation last year, but that was not to be, despite the best efforts of many in both this and the other body. Now we have an opportunity to act which we must not waste. On Tuesday, March 27, as I pointed out earlier, the House passed companion legislation, H.R. 3755, the Social Security Disability Amendments of 1984—by the overwhelming margin of 410 to 1.

I do not believe there can any longer be any doubt that this is a matter of compelling national concern. It is time for the Senate to act. We owe no less to the disabled in this Nation, who without this legislation, will face the very misery and destitution Congress intended to prevent when it established the SSDI program.

I hope we will not allow that to occur.

Mr. President, whatever remaining time I ask unanimous consent that it be reserved for the majority leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for a period not to exceed 15 minutes.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the Senator from Delaware briefly without losing my right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BEN MARSHALL RETIRES

Mr. BIDEN. Mr. President, when Ben Marshall leaves the Senate Select Committee on Intelligence office after work this Friday, March 30, it will be for the last time as the committee's security director. Mr. Marshall is retiring after 8 years of service that began with the committee's creation in May 1976.

Before establishing the security system at the select committee, Mr. Marshall spent over 30 years in the armed services starting with the Army in World War II and later the Army Air Corps. He then went on to a fine and long career as a pilot and security officer in the Air Force, both in this country and overseas. A native of the great State of Nebraska, Mr. Marshall spent part of his career with the Strategic Air Command.

I want very much to give public testimony to the excellent job Ben has done in his vitally important work as the first security director of the Select Committee on Intelligence. In this capacity, he had the heavy burden of designing, implementing, and overseeing the security system for the Intelligence Committee. This system, without any exaggeration, protects some of the most sensitive national security secrets of the United States of America. The system governs the physical security of the Intelligence Committee's offices and documents. It regulates the committee's personnel security practices. It manages the access of Senators and staff members to the information in the committee's possession, information that is centrally important to the Senate's deliberation over, not only intelligence matters, but also a wide range of foreign policy and national defense ones. Ben's job was the unenviable one of guaranteeing that not a single syllable from these sensitive, classified documents escaped from proper security channels but that all of it was promptly available to authorized personnel who required it in support of the Senate's important work.

Few people can appreciate the sort of role that Ben had to fill. Certainly, in one sense, there are many concrete and positive measures of the work of the Intelligence Committee's security staff. For example, the committee requires rigorous physical security for its offices, document security equipment, security manuals, and so forth.

But in another sense, perhaps the most important measure of the performance of the committee's security staff is a negative one. It is that things do not happen: That documents—or even pages from documents—do not disappear and that people without proper security clearances do not gain access to committee business.

I think a very revealing tribute to Ben Marshall's performance as security director is the regard in which the intelligence agencies hold the security standards of the Intelligence Committee. These agencies—the CIA, the National Security Agency, the Defense Intelligence Agency, and the FBI—have what might be called a parental concern for their oftentimes extremely risky and expensive intelligence programs. The last thing in the world they want is that any of these intelligence collection programs become compromised.

Yet these agencies have confidence in the physical security practices of the Intelligence Committee to the point that they are willing to impart their most sensitive secrets to the committee's possession. The fact that they are willing to do so is high praise for Ben's work as security director.

Ben has been impartial, fair, and firm in the exercise of his duties for the Intelligence Committee. With a decency and integrity that are rocklike in durability, Ben marshaled a broad collection of committee meetings and hearings. With a manly character that runs deep, Ben was utterly reliable and unfazed in his security stewardship—whether he was dealing with Senators, Cabinet members, or staffers.

As a fellow charter member of the Select Committee on Intelligence community, I can say that Ben will be missed. I wish him the best of luck and happiness in his endeavors after Friday, March 30.

CAN ARMS CONTROL HELP PREVENT NUCLEAR WAR?

Mr. PROXMIRE. Mr. President, if there is one question that almost every one of 100 Senators could easily answer in the affirmative in this dangerous nuclear age, it is this question: "Can Arms Control Help Prevent Nuclear War?" We have an almost instinctive, knee-jerk response. How do we stop nuclear war? The answer: arms control. Everybody is for it. President Reagan is for it, so are the Democratic candidates running to succeed him. We know the next President of the United States will be for arms control. We also know that the overwhelming majority of Members of Congress favor arms control as the answer to the threat of nuclear war. As Jimmy Durante used to say, "Everybody wants to get into the act." It would seem that we are on the verge of an era of arms control agreements that will banish the nightmare of nuclear war. Is this the case? Unfortunately, the answer is an emphatic "No!"

Why no? Well, Mr. President the nuclear arms race rushes on. Arms control—in spite of all the rhetorical support it receives—staggers feebly, falls flat on its face often and goes nowhere. Arms control has a long history in U.S. foreign and military policy. Way back in 1817 we negotiated the Rush-Bagot Treaty with Great Britain demilitarizing the Great Lakes. After World War I, we agreed with the then

great powers of the world to limit naval war vessels in the famous 5-3-1 agreement with the United Kingdom and Japan. But it was not until the nuclear age that arms control treaties really came into their own.

How many treaties has the United States negotiated in the last 25 years? Two? Three? Five? No; since 1959 the United States has signed or ratified 21 arms control treaties—20 of these treaties deal primarily with nuclear weapons. In addition to these 21 ratified or signed arms control treaties in the last couple of years, the arms control business has really done a land office business with five major negotiations involving the superpowers four of which are concerned with nuclear weapons—all pending.

Sound encouraging? Well, it is not. Every one of the four negotiations dealing with nuclear weapons has now been suspended. Let us consider each of these four negotiations. The superpower negotiations on the reduction of strategic nuclear weapons, the so-called START proposals, initiated in 1982 were recessed on December 8, 1983. The Soviet Union has refused to agree to a date for their resumption. The intermediate range nuclear forces negotiations between the United States and the U.S.S.R. were designed to limit intermediate range missiles in Europe. They were initiated in 1981. They were discontinued by Soviet initiative on November 23, 1983, when our missiles arrived in Western Europe. The antisatellite weapons negotiations between the United States and the Soviet Union on limiting the further development and deployment of antisatellite weapons were initiated in 1978, adjourned indefinitely in 1979. The Reagan administration has not sought their resumption. This agreement incidentally is critical for any effective verification of arms control agreements because satellites play the prime part in superpower verification of arms control treaties. And, finally, probably the most critical arms control treaty of all is the comprehensive test ban treaty. Those negotiations between the United States and the Soviet Union were initiated in 1977, adjourned indefinitely in 1980. The Reagan administration has not sought their resumption. In summary, Mr. President, at this moment nuclear weapons arms control is stalled, dead in the water on every front. Meanwhile the nuclear arms race speeds ahead at full throttle.

Of course, it is possible that arms control may resume. But even if it does the prospect for the kind of agreements that will play a major role in forestalling nuclear war is not good. In all history, the record of both parties on arms control has been timid and feeble. The enthusiasm that infuses so much of the American public on this issue and sweeps across party lines somehow has evaporated in our arms control efforts even when the two superpowers pursue the negotiations to an agreement. Common Cause, in its excellent guide to understanding nuclear arms policy, sets forth principal reasons for this heartbreaking failure in what is, to this Senator, the most critical international negotiations in American history. We have agreed to 20 arms control agreements that purported to limit the arms race. Why then is arms control so feeble?

Here are four answers: First, to reach a consensus, negotiators tend to simply institutionalize the arms race. In the SALT II negotiations, several of us in the Senate held up our approval because the treaty provided no meaningful limit on nuclear weapons. It provided limits of 2,400 for total strategic launchers and 1,320 for launchers with multiple warheads. Both ceilings allowed for a continued buildup by both the United States and the Soviet Union. Some arms control!

Second, both sides have gone into these negotiations with so-called bargaining chips that is weapons that are built not necessarily for any sound military purpose but simply as a weapon to trade off with the other side. This was a prime justification for the MX. Of course, once the weapons get underway, the political and bureaucratic support grows for them and we get stuck with a system that may—like the MX—cost tens of billions of dollars and represent a dangerous, hair-trigger advance in the arms race. Then the other side matches our bargaining chip buildup. Our experience with the cruise missile is another example of how bargaining chips, produced to advance our arms control negotiations position, end up simply advancing the arms race itself.

Third, the arms control negotiations take time and I mean years. SALT I took 4 years. SALT II took 7 years. The way present negotiations are going if they ever resume they are likely to take even longer. Meanwhile, both powers race ahead to deploy their newest and most devastating weapons to beat any arms control deadline.

For instance, the United States was reluctant to negotiate a ban on MIRV'd missiles in SALT I because our technology was moving ahead apace. When both sides agreed to SALT I we were all set for deployment. Of course the Soviets matched us. And the negotiations primarily served the purpose of pushing both superpowers into the most hair-trigger, dangerous, and lethal nuclear arms position.

And, finally, in arms control our negotiators tend to play it smart. So do the Russians. We fight to keep our loopholes in the agreement alive. So do they. Both succeed. So the arms control is pitifully inadequate.

Mr. President, this litany of criticism is not meant to indict arms control. Like it or not, however unpromising our record has been, we have no choice but to go down this path. I have spoken on this issue today to warn my colleagues that arms control is not only no panacea. It can and actually has promoted the arms race. Simply winning agreement by both powers to something we can call arms control will not help prevent nuclear war. Arms control can only help prevent nuclear war if it does control—that is limit, nuclear arms. It will take a determination to negotiate actual reductions in nuclear arms on both sides. And above all we must understand that at the heart of the nuclear arms race is the competition in advancing nuclear arms technology by research. We must put the highest priority on a comprehensive ban on nuclear arms testing and do everything within our power to achieve it.

A TORN COUNTRY LOOKS AHEAD

Mr. PROXMIRE. Mr. President, a recent article in the Christian Science Monitor provides us with a current picture of events within a frayed nation. It also reminds us of a genocide unparalleled in modern history, save the Holocaust of the Second World War. The nation is Kampuchea (formally Cambodia), and its people are trying to rebuild a normal life following the terrible human destruction inflicted by the Khmer Rouge and the Pol Pot regime.

One million Kampucheans were executed. A million more died of disease, overwork, or starvation. The Khmer Rouge terror focused mostly on the elderly and educated, though no specific group escaped these atrocities. The horrifying aspect of the devastation is that the children were left to witness the death and torture of their elders. Many are now orphans, alone and homeless, but seemingly ready to face the biggest and most difficult task ahead of them—survival. And the scars of the past will be with them to stay.

After 4 years of Khmer Rouge rule, Vietnamese troops invaded this frightened country in 1979, deposed the Pol Pot regime, and instituted a puppet government. The turmoil has not ended. Resistance forces loyal to Prince Nordom Sihanhouk, and former Prime Minister Son Samm, battle the Vietnamese along with former Khmer Rouge members.

Caught in between are the survivors stained by Khmer Rouge misrule. Many of these war-weary have fled to refugee camps in neighboring Thailand. Those that remained are at-

tempting to rebuild their lives by relying on past traditions.

The Christian Science Monitor, on March 26, gives us a brief glimpse of these brave people and their attempt to carry on these traditions:

> The image of water buffalo and cattle pulling ox carts along country roads, bringing rice from the fields to the threshing grounds, seems timeless. In farming villages, wooden houses on stilts shelter people above and livestock below. Small boats or rafts of bamboo with thatched shelters on them are home to many fishing families. Farming and fishing—rice and fish are the main food in the Khmer diet—are carried on today much as they must have been in the days of the Angkor temples.
>
> Music and dance inherited from ancient times are kept alive in orphanages as well as the Fine Arts Institute in the Capital, Phnom Penh. They coexist with more modern art forms, which are frequently employed in the service of propaganda—commercials for the regime in power, reminders of the suffering of the recent past.

But the Kampucheans are embroiled in the fight to gain self-determination. Their suffering has not ended. Due to the systematic annihilation of 2 million people, the children have been forced to take on the responsibility for the rebirth of a new nation.

These young people need our support, Mr. President. The strain of living through a genocide is upon them, the most heinous crime known to mankind. This is testament to one more reason why the Senate should ratify the Genocide Convention.

The Khmer Rouge have shown us that genocide did not disappear after Hitler. With a world in turmoil, with the way the victors in a battle treat the oppressed, we most likely will witness genocide in the future.

Ratification is a small but a vital step. It is one the Senate alone can take. It does not require action by the President. It does not require action by the House of Representatives. The Senate can act and should. Let us not turn our backs as a torn nation looks ahead.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 10:30 a.m. with statements therein limited to 1 minute each.

WOMEN IN ALASKA'S HISTORY

Mr. STEVENS. Mr. President, as the month of March draws to a close, I should like to take a moment to recognize the focus of my State's attention during this past month: "Women in Alaska's History."

For the past 3 years, the State of Alaska has designated the month of March as "Women's History Month." This March was dedicated to highlighting the role women have played in the settlement and development of our great State. Women pioneers—the term "pioneers" encompassing those who lived in Alaska prior to statehood in 1959—are an essential aspect of our historical development as a State. A woman such as Evangeline Atwood epitomizes this Alaskan women: author, historian, and civic leader, she took an active part in the statehood effort, and remains active in the State today. It should come as no surprise that the Alaska State Constitution includes an equal rights amendment, and that the State has endorsed a national ERA time and time again.

Some of the events that have occurred during this Alaska Women's History Month, focussing on the contribution of women in Alaska, included a reception in their honor at the Governor's mansion; two addresses, in Anchorage and Fairbanks, by Maggie Kuhn, founder of the Grey Panthers; a daily editorial in the Juneau Empire on women in Alaska's history, and the inauguration of a traveling show of art and artifacts about women in the State's history.

In addition, the Alaska Women's Commission also timed the release of their publication "Profiles in Change: Names, Notes and Quotes for Alaskan Women," to coincide with the activities of Women's History Month. This moving document captures the spirit and variety of Alaskan women through their own words and photographs. The women highlighted in the publication, their achievements and their perceptions of themselves and the State, were the subjects of the seminars and receptions across the State.

I am proud that this special month is now a tradition in my State. There is no question that the women of Alaska merit this recognition. My congratulations and best wishes to each of you—and thanks. You have helped make Alaska what it is today, and will undoubtedly continue to shape our State's destiny tomorrow.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Since the hour of 10:30 a.m. has arrived, morning business is now concluded. Morning business is closed.

URGENT SUPPLEMENTAL FOR FISCAL YEAR 1984, PUBLIC LAW 480 PROGRAM

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the unfinished business, House Joint Resolution 492, which the clerk will now report.

The legislative clerk read as follows:

A House joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture.

The Senate resumed consideration of the House joint resolution.

AMENDMENT NO. 2862

(Purpose: To provide 60 percent of section 502 housing loan funds for low-income borrowers and 40 percent of section 502 housing loan funds for very low-income borrowers)

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, we have a few amendments that we would like to call up at this point. We understand that representatives of the minority are on their way to the floor. We will await their arrival before actually proceeding to consideration of the amendments. But in the interest of time, I will go ahead and send the first amendment to the desk. Mr. President, I ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN), for himself, Senator HUMPHREY, Senator GARN, Senator DOMENICI, Senator HUDDLESTON, Senator EAGLETON, and Senator STENNIS, proposes an amendment numbered 2862.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 2, add the following:

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

Notwithstanding section 502(d) of the Housing Act of 1949, from amounts previously made available from the Rural Housing Insurance Fund, in P.L. 98-151, for fiscal year 1984, $1.38 billion shall be made available for low-income borrowers and $920 million shall be made available for very low-income borrowers.

Mr. COCHRAN. Mr. President, this amendment deals with problems that have developed in the housing programs administered by the Farmers Home Administration.

This amendment is designed to alleviate a problem with respect to the allocation of funds, and the pooling of funds under section 502 of the housing program of Farmers Home.

Last fall the Congress passed a provision in the Housing and Urban-Rural Recovery Act of 1983 which requires the Farmers Home Administration to provide 40 percent of the units in the section 502 single-family housing program to persons or families with very low income.

The purpose of the provison is to insure that those families most in need will benefit from the loan program.

The Farmers Home Administration is implementing this law by giving the States a very limited time within which to meet the 40-percent targeting requirement. Some States have not had ample time to reach this goal, and there is concern that these funds will be forfeited into the pool and that those States that cannot meet this goal will lose access to those funds. We discussed this with the Farmers Home Administration officials at a hearing in our subcommittee this week.

We are satisfied that they are going to take steps to try to keep States from actually losing access to those funds. But to be sure that this problem is alleviated, we are offering this amendment to assure that all section 502 housing loan funds for fiscal year 1984 are made promptly available to the States.

We do not think that this amendment will in any way diminish the effect of a provision of the law that was included in the Housing and Urban-Rural Recovery Act of 1983.

Mr. President, in summary we do believe that the targeting can be met if the States are given more time.

We did not intend that Farmers Home Administration refuse to distribute the low income loans until a 40-percent ratio is attained.

We have written Farmers Home and asked them to delay their pooling of section 502 housing loan funds for at least 60 days after March 31. This would allow States more time to process loans for very low-income applicants, which would then make available funds to grant more low-income loans, thereby increasing obligation rates to their normal levels.

We therefore, offer this amendment to insure that all section 502 housing loan funds for fiscal year 1984 are made promptly available.

I ask unanimous consent, Mr. President, to include at this point in the RECORD a copy of a letter signed by the distinguished Senator from Missouri, Mr. EAGLETON, Senators, GARN, HUMPHREY, DOMENICI, and myself to the Administrator of the Farmers Home Administration concerning this matter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., March 29, 1984.

MR. CHARLES W. SHUMAN,
Administrator, Farmers Home Administration, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. SHUMAN: It has come to our attention that the Farmers Home Administration plans to pool unobligated balances of section 502 housing loan funds on March 31 for reallocation to the states. While we recognize that pooling is a common practice at FmHA, we hasten to point out that circumstances in this fiscal year differ from those in previous years.

The Rural Housing Amendments of 1983 mandated that 40 percent of the units on a national basis financed under section 502 of the Housing Act of 1949 shall be made available for very low-income families or persons. Because Farmers Home is implementing this law in a manner which restricts loan obligations to low-income applicants until a proportionate number of loans are made to very low-income applicants, many states have not been able to obligate funds as rapidly as they normally are able to do.

The purpose of this letter is not to address the manner in which Farmers Home has implemented the 40 percent requirement. The purpose of this letter is to request that you delay the pooling of section 502 housing loan funds for at least 60 days after March 31. This delay would allow states more time to process loans for very low-income applicants, which would then make available funds to grant more low-income loans, thereby increasing obligation rates to their normal levels.

Your immediate attention to this request will be most appreciated.

Sincerely,

THOMAS F. EAGLETON,
Ranking Minority Member, Subcommittee on Agriculture, Rural Development, and Related Agencies.

THAD COCHRAN,
Chairman, Subcommittee on Agriculture, Rural Development, and Related Agencies.

GORDON HUMPHREY.
JAKE GARN.
PETE DOMENICI.
WALTER HUDDLESTON.

Mr. DOMENICI. Mr. President, I want to thank the number of Senators who have been working on behalf of our Nation's rural residents. I know in my State of New Mexico this amendment will insure that citizens will be provided low-cost housing during the next few years, while at the same time the amendment guarantees that this housing program is targeted to those who genuinely need this program.

In my State this program, over the years, has been able to meet the needs of low income people. It has provided affordable housing to our citizens and provided countless numbers with a decent place to live.

This amendment will especially be appreciated by several dozen families that are ensnarled in a backlog in Bernalillo County, N. Mex. It will guarantee that as soon as money is available that their applications can be processed and those eligible for this program will receive funding for their loan applications.

I would like to thank the staffs of the Appropriations Committee as well as the Banking and Housing and Urban Affairs Committee for their work on this amendment.

Mr. COCHRAN. Mr. President, I also ask unanimous consent that the following Senators be identified as cosponsors of this amendment: The Senator from New Hampshire, Mr. HUMPHREY; Senator GARN; Senator DOMENICI; Senator HUDDLESTON; Senator STENNIS; and Senator EAGLETON.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. COCHRAN. I will be happy to yield to the distinguished Senator, Mr. President.

Mr. STENNIS. Mr. President, I want to commend my colleague, the Senator from Mississippi, for the work he is doing in this highly important field, the field of housing. If we did not have a housing program, I do not know where we might be with reference to our economy. It has been a bellwether once restarted. I am listed, too, as a cosponsor of this amendment. Something has to be done to change the present situation of these funds. It is not an act of withholding any money from the other group, but it was to bring the so-called low-income group within reach of having some relief.

I know personally of many instances in my area of the State where it has been quite beneficial. It has not been abused. It is one of the better things that has helped the whole program.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator very much.

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. HUDDLESTON. Mr. President, I am pleased to cosponsor this amendment that will enable the Farmers Home Administration to more effectively administer the single family rural housing program.

Without this amendment, it appears that a large portion of the funds provided by Congress for this important program would not be used this fiscal year. This is a result of the stringent targeting requirements under which the single family rural housing program is now being administered.

Currently, 40 percent of all the section 502 money must go to households with incomes below 50 percent of the area median income. This is not realistic under the present rules and regulations. Even with a loan at 1 percent interest, if the family income is below 50 percent of the median area income, it is very difficult to afford the type of home that FmHA is willing to finance. This is especially true for many areas in Kentucky that, because of economic conditions, already have a very low level of median family income.

However, I continue to strongly support the realistic targeting of Federal assistance to those most in need. For that reason, I will soon be making recommendations to the administration on changes in existing regulations that will enable more lower income families to obtain assistance from FmHA.

I urge the Senate to approve the amendment.●

Mr. COCHRAN. I have no other request for time. Mr. President.

The ACTING PRESIDENT pro tempore. Is there further discussion on the amendment? Without objection, the amendment (No. 2862) is adopted.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Mississippi is recognized.

● Mr. HUMPHREY. Mr. President, as Chairman of the Subcommittee on Rural Housing and Development, I want to thank Senator COCHRAN for his help in addressing an urgent problem with the Farmers Home Administration homeownership program. Senator COCHRAN raised the issue with Farmers Home in a hearing of the appropriations Subcommittee on Agriculture on Tuesday, March 17, 1984.

The Housing and Urban-Rural Recovery Act of 1983 requires the Farmers Home Administration to administer the single family homeownership program so that no less than 40 percent of the loans nationwide are made to very low-income families. The purpose of this provision is to insure that those families most in need will benefit from the loan program. This is only a modest increase in the actual program performance last year of 28 percent, and I believe Farmers Home should easily be able to achieve this goal.

Unfortunately, Farmers Home has incorrectly interpreted the congressional intent of this provision by refusing to distribute low-income loans until a 40-percent ratio is maintained. Consequently, this has brought lending to a halt in some States. This clearly was not the intent of the 1983 act. Furthermore, Farmers Home has not responded to appeals to modify this proposal.

In response to requests from my colleagues in Congress, constituents in New Hampshire, home loan applicants and home builders everywhere, we are introducing this amendment as a means to further clarify the legislative intent of Congress with respect to the targeting provision of the 1983 act. The amendment simply instructs the Farmers Home to immediately release the funds already appropriated for low-income families. This will allow the flow of low-income rural housing loans to resume. At the same time, I am hopeful Farmers Home will continue to work diligently toward meeting the targeting requirement for very-low-income families.

Mr. President, I thank you for your consideration of this amendment.●

● Mr. HELMS. Mr. President, I am pleased to join with my distinguished friend and colleague from Mississippi, Senator COCHRAN, as a cosponsor of legislation that will solve a major problem in our Nation's rural housing industry.

Last year, Congress approved a bailout package for the International Monetary Fund that included changes in the Farmers Home Administration loan program. That legislation directed that two out of every five FmHA loans go to families in lower income categories. In addition, it prohibited the remaining funds from being disbursed until the 40-percent quota was achieved.

These changes have brought the rural housing program in my State to a virtual standstill.

Mr. President, I certainly do not object to earmarking a percentage of FmHA loans for very-low-income families. However, I do not believe the rest of the funds should be held hostage until that quota is reached.

Farmers Home Administration officials in North Carolina are having trouble finding enough eligible low income families to meet the quota. I have in hand a letter from Mr. Larry Godwin (State Director of FmHA) that illustrates the problem clearly. I ask that his letter be printed in the RECORD at the conclusion of my remarks.

Mr. President, the legislation I am cosponsoring will not ignore the needs of the poor. It will simply enable the FmHA housing program to once again serve the public as it did so well before last year's changes.

I am very proud of the fine work the Farmers Home Administration has done in North Carolina. In 1983, it provided $167 million for single family and multifamily housing, making North Carolina the leading recipient of FmHA funds. There are currently over 66,000 single family housing borrowers in my State. In many areas the majority of permanent housing being built is financed by FmHA.

Mr. President, I commend the distinguished Senator from Mississippi for his efforts in putting together legislation that will rejuvenate the ailing rural housing industry in our Nation. I am pleased to support the proposal and pledge my best efforts toward its successful passage through the Senate.

The letter referred to follows:

FARMERS HOME ADMINISTRATION,
Raleigh, N.C., March 30, 1984.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are writing in response to your request for information regarding the impact of the "Rural Housing Amendment of 1983" with particular emphasis on the requirement that 40 percent of our loans be made to very low-income households.

We believe the Farmers Home Administration (FmHA) housing program has had considerable impact upon housing conditions in rural North Carolina. At the present time we have over 66,000 single family housing borrowers. At any given time during the past 16 years, we have had from 1,000 to 1,200 builders participating in our program. In many of our rural counties, the majority of permanent housing being built has been financed by FmHA. We believe that we have been a major factor in reducing the amount of substandard housing in rural areas of North Carolina.

In recent years, we have made a concentrated effort to strengthen our program in North Carolina; especially in the area of sound loan making with special emphasis on family budgets and credit counseling. We believe the statistics shown below reflect our efforts in maintaining a viable loan making program while fulfilling our account servicing responsibilities and improving our borrowers' chances for successful homeownership. This has not been an easy task.

North Carolina made 10,100 single family home loans totaling some $289,000,000 and 105 multi-family (rental housing) totaling some $100,300,000 during the past two fiscal years. During fiscal year 1983, North Carolina loaned $167 million in its single and multifamily programs. This was approximately $20 million more than the next highest state.

The "Rural Housing Amendments of 1983" were attached to the International Monetary Fund Bill which was signed into law on November 30, 1983. The amendments required:

(1) "Not less than 40 per centum of the dwelling units financed under this section shall be available only for occupancy by very low-income families or persons."

(2) ". . . very low-income families or persons means those families and persons whose incomes do not exceed the respective levels established for . . . very low-income families by the Secretary of Housing and Urban Development under the United States Housing Act of 1937."

Enclosed is a copy of the very low-income limits for North Carolina.

Prior to the passage of this amendment, we were already encountering difficulty in making loans to low-income families in a number of our counties. The low-income limits were so low that we could not develop a cash flow statement with most of our applicants which would show that they had the ability to meet their living expenses plus repay a loan even at the subsidized rate. We have taken the position that we will not make a loan if there is not a reasonable chance that the borrower will be successful.

Loan making in connection with low-income limits have resulted in a build up of inventory properties in North Carolina. Currently we have 529 properties in inventory. We have been unable to find qualified low-income applicants to purchase these inventory properties. If we cannot successfully make a sound loan in many cases to currently defined low-income households, you can readily see what happens when we try to develop a sound loan to a very low-income applicant.

We have tried to develop cash flow statements with some very low-income applicants whose income is at the top of the very low-income limit and have found that the income shortfall was $500 and more in a number of cases. We do not believe that we would be fulfilling our duties in a responsi-

ble manner if we were to loan the taxpayers' money under these circumstances. About the only cases we have found where a loan can be made to a very low-income household occurs when a very strong co-signer is available. The co-signer in most cases will not only have to make the house payment, but will have to provide income for part of the living expenses of the applicant's household.

Our problem has been made especially acute as a result of the tornadoes that recently struck a number of counties in North Carolina. We have been told there is no relief from the 40 percent rule even in this situation. This means that we can basically do nothing to help people whose houses have been totally destroyed or damaged unless they are already on the program. If the 40 percent rule was eliminated, we believe we could make a significant contribution to help alleviate the suffering that many people are experiencing.

Your assistance in providing us some relief from the 40 percent rule would be greatly appreciated.

Sincerely,

LARRY W. GODWIN,
State Director.●

AMENDMENT NO. 2863

(Purpose: To allow the Federal Crop Insurance Corporation to borrow up to $50 million from the Secretary of the Treasury to entitle the Corporation to pay indemnities resulting from severe drought conditions affecting the 1983 growing season)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN), for himself and Mr. EAGLETON, proposes an amendment numbered 2863.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

After line 25 on page 2, insert the following:

FEDERAL CROP INSURANCE CORPORATION

FEDERAL CROP INSURANCE CORPORATION FUND

For fiscal year 1984, the Federal Crop Insurance Corporation may borrow from the Secretary of the Treasury up to $50,000,000 to enable the Corporation to discharge its responsibility under 7 U.S.C. 1508(b)(c), if the Secretary of Agriculture certifies that available funds are insufficient to pay losses.

Mr. COCHRAN. Mr. President, this amendment relates to a problem that was discussed just this week in testimony before our subcommittee by officials of the Federal Crop Insurance Corporation. They indicated that there is a possibility that there may be delays in the payment of claims under the Federal Crop Insurance Act unless authority is given to the Corporation to borrow funds from the Treasury on a temporary basis.

Yesterday afternoon the Manager of the Federal Crop Insurance Corporation, Merritt W. Sprague, testified before the Appropriations Subcommittee on Agriculture, Rural Development, and Related Agencies, on the fiscal year 1985 budget request. During this testimony, Mr. Sprague pointed out the urgency of a supplemental appropriation to replenish the Federal Crop Insurance Corporation Fund to provide adequate resources to pay indemnities resulting from severe drought conditions affecting the 1983 growing season. Prompt action is necessary since indemnity payments due insured farmers represent legal and financial obligations which cannot be controlled by the Corporation.

Our amendment would allow the Federal Crop Insurance Corporation to borrow up to $50 million from the Secretary of the Treasury to discharge its duties if the Secretary of Agriculture certifies that available funds are insufficient to pay losses. The Federal Crop Insurance Corporation would repay Treasury borrowing as sufficient premium reserves become available.

We do have a supplemental request from the administration for the borrowing authority.

Mr. President, I urge my colleagues to support this amendment.

The ACTING PRESIDENT pro tempore. Is there further discussion on the amendment?

Mr. STENNIS. Mr. President, I endorse the amendment and support it. I do not know of any opposition on this side.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 2863) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2864

(Purpose: To add a provision to require the Secretary of Agriculture to make available not less than $5,000,000,000 for loan guarantees, under the Export Credit Guarantee Program carried out by the Commodity Credit Corporation, in the fiscal year ending September 30, 1985, and to provide criteria for the use of increased funding for such program in fiscal years 1984 and 1985)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN), for himself, Mr. HUDDLESTON, Mr. HEFLIN, Mr. EAGLETON, Mr. JEPSEN, and Mr. GRASSLEY, proposes an amendment numbered 2864.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

"COMMODITY CREDIT CORPORATION EXPORT CREDIT GUARANTEES

"SEC. . (a) For the fiscal year ending September 30, 1985, the Secretary of Agriculture shall make available under the Export Credit Guarantee Program (GSM-102) carried out by the Commodity Credit Corporation credit guarantees for not less than $5,000,000,000 in short-term credit extended to finance export sales of United States agricultural commodities.

"(b) The Secretary shall ensure that any guarantee authority made available, in the fiscal years ending September 30, 1984, and September 30, 1985, for credit guarantees under the Export Credit Guarantee Program (GSM-102) carried out by the Commodity Credit Corporation in excess of—

"(1) the level of guarantee authority currently budgeted for the fiscal year ending September 30, 1984, and

"(2) the level of guarantee authority contained in the President's budget for the fiscal year ending September 30, 1985,

is used to further assist in the development, maintenance, and expansion of international markets for United States agricultural commodities and products, including natural fiber textiles and yarns, so as to increase the market prices for commodities for which established prices are provided, minimize the deficiency payments under the programs for such commodities, minimize the expenditure of Government funds for paid diversion programs for such commodities, and minimize outlays of Govenment funds for other price-supported commodities. Priority in the allocation of such guarantee authority shall be given to credit guarantees that facilitate the financing of (i) export sales to countries that have demonstrated the greatest repayment capability under the export credit programs carried out by the Commodity Credit Corporation or (ii) export sales of commodities for which no blended credit (under which a combination of export credit guarantees under the GSM-102 program and direct export credit under the GSM-5 program is provided) will be made available.".

Mr. COCHRAN. Mr. President, this amendment is sponsored by the following Senators: Mr. HUDDLESTON, Mr. HEFLIN, Mr. EAGLETON, Mr. JEPSEN, and Mr. GRASSLEY.

Mr. President, the purpose of this amendment is to provide additional export credits to help finance the sale of U.S. agriculture commodities overseas. The amendment is a part of the commitment that the administration agreed to during negotiations and discussions on the farm bill recently passed by the Senate.

Our export trade competitors continue to expand exports by offering a variety of credit and subsidy programs.

We are not suggesting that we do anything to violate the international

agreements with respect to trade, but this amendment will require the Secretary of Agriculture to make available not less than $5 billion in short-term credit for fiscal year ending September 30, 1985, under the export credit guarantee program, GSM-102, carried out by the Commodity Credit Corporation.

These funds will be used to finance export sales of U.S. agriculture commodities.

Mr. President, I do not need to remind my colleagues that the value of U.S. agricultural exports have declined 21 percent since 1981. Exports in 1981 were $43.8 billion. They declined to $38 billion in 1982 and continued their decline to $34.5 billion in 1983. Current projections indicate exports for 1984 may increase slightly in value but total volume will be less than in 1983.

Export trade competitors continue to expand exports by offering a variety of credit and subsidy programs. For example, Canada is currently offering direct credit with repayment terms of up to 3 years and Taiwan continues to heavily subsidize rice exports into Third World countries.

For a quicker economic recovery and long-term growth and stability for U.S. agriculture, it is essential that the administration make a commitment to actively seek increased export trade. Increased availability of export credit is an important step in securing additional trade. Additional credit guarantees should be utilized for those countries that demonstrate the greatest repayment capability and credit guarantees should be extended to countries for the purpose of market maintenance, development, and expansion.

I believe export credit guarantees should be increased for fiscal year 1985 and therefore Mr. President, I urge my colleagues in the Senate to support this amendment.

Mr. HEFLIN. Bearing in mind that the Congress has recently passed legislation authorizing additional funds for the export credit guarantee program, and also bearing in mind the past allocations between commodities relative to the utilization of export credit guarantees, blended credit, and Public Law 480—is it your understanding that the language in this amendment would qualify Korea for export credit guarantees to purchase cotton?

Mr. COCHRAN. Yes, in fact as an example it is my understanding that the Secretary plans to allocate in fiscal year 1984 $100 milion of the $500 million newly authorized funds to Korea for the purchase of cotton. Korea has an excellent repayment rate and has not been allocated any blended credit of Public Law 480 funds for fiscal year 1984. Some of the other countries that would fit this criteria would include Yugoslavia, Ecuador, Portugal, and Thailand.

Mr. HEFLIN. The Department of Agriculture has been allocating increasingly larger shares of both the blended credit and credit guarantees to help finance sales to countries with liquidity problems. Sometimes it appears that the State and Treasury Departments are turning this fine export promotion program into an aid program. Is it your understanding that the primary purpose of the export credit guarantee program—GSM-102—is to develop, maintain, and expand export markets for U.S. agricultural commodities?

Mr. COCHRAN. Yes, it is my understanding that a large percentage of the current fiscal year 1984 allocations under the GSM-102 credit guarantee program have been made to countries that may run a high risk of default thereby requiring extensive financial outlays by the Treasury. I believe it is important to recognize the valuable role GSM-102 has played in developing long-term markets such as cotton sales to Korea which have increased over 300 percent in the last decade. Those loans, I am told, have been fully repaid with interest and there has never been a default. You may recall that under the GSM-102 program, the budget reflects the total amount of the guarantees as an outlay when, in fact, if the program is utilized as it was intended—to develop and maintain markets for U.S. agricultural commodities—the recipients are paying an insurance fee to the U.S. Treasury and when the program is applied in countries with good potential for repayment, the loans being guaranteed will be fully repaid and there will be no expense for the U.S. Treasury.

Mr. HEFLIN. Given, the primary purpose of this amendment is to develop, maintain, and expand export markets for U.S. agricultural commodities for which established prices are provided—is it your understanding that this language refers to those commodities which have established target prices or loan rates?

Mr. COCHRAN. Yes. Commodities for which established prices are provided are those commodities which have established target prices or loan rates and this language is intended to cover commodities that have established target prices or loan rates.

Mr. HEFLIN. Is it your further understanding that if the credit is allocated under the terms of this amendment that this credit can actually reduce the exposure to the Treasury by reducing carryover stocks which will help reduce deficiency payments?

Mr. COCHRAN. I agree that by following the amendment's language in making credit allocations, the Secretary would reduce the Treasury's exposure with regard to deficiency payments by assuring that commodities do move to market thereby strengthening market prices and reducing deficiency payments.

Mr. HEFLIN. The Department of Agriculture, through an export PIK program, recently arranged the sale of flour in Egypt. Can the Department use the GSM-102 program to export other value-added products such as cotton textile yarns and fabrics?

Mr. COCHRAN. Yes, this amendment specifically designates natural fibers and their products. Certain cotton textile yarns and fabrics are products of natural fibers.

(By request of Mr. BYRD the following statement was ordered to be printed in the RECORD:)

● Mr. HUDDLESTON. Mr. President, I am pleased to join Senator COCHRAN in offering this amendment to increase agricultural export assistance for U.S. farmers.

The amendment will direct the Secretary of Agriculture to make available, under the Commodity Credit Corporation's GSM-102 program in fiscal year 1985, agricultural export credit guarantees for not less than $5 billion in short-term credit to finance export sales of U.S. agricultural commodities. The President's budget for fiscal year 1985 proposes that $3 billion be available for the GSM-102 program. The amendment would increase that program level by $2 billion.

I would note that, for fiscal year 1984, the administration has already made available $4 billion of agricultural export credit guarantees for the GSM-102 program. Section 501 of H.R. 4072, as passed by the Senate on March 22 and approved by the Conference Committee on H.R. 4072 yesterday, expresses the sense of Congress that an additional $500 million be made available, for a total of $4.5 billion in fiscal year 1984. The administration officials who met with Members of the Senate in an effort to reach an agreement on the provisions of H.R. 4072 agreed to make this additional amount available, and I am hopeful that the higher level of credit guarantees will be made available very soon.

These higher program levels have been advocated by many farm groups who argue that adequate export credit guarantees must be available if the United States is to maintain foreign markets.

The amendment also requires the Secretary of Agriculture to insure that any additional export credit guarantee authority made available in excess of currently authorized or planned levels for fiscal years 1984 and 1985 be targeted to assist exports of commodities for which there are Government price-support programs. Further, the amendment provides that priority in the allocation of such agricultural export credit guarantees be given to loans that go to countries that have

demonstrated the greatest repayment capability under the CCC export credit programs, or to export sales of commodities for which no "blended credit" will be available.

The targeting of the credit guarantees is intended to effect an increase in market prices for target-price agricultural commodities and minimize Federal outlays for price-supported commodities. The establishment of country and commodity priorities will insure that the export credit guarantee program is operated efficiently and equitably among all price-supported commodities.

I urge my colleagues to support the amendment.●

Mr. STENNIS. Mr. President, I support this amendment. It is almost a necessity. I do not know of any opposition to it on this side of the aisle.

The ACTING PRESIDENT pro tempore. Is there further discussion? If not, the question is on agreeing to the amendment.

The amendment (No. 2864) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider to vote by which the amendment was agreed to.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2865

(Purpose: Appropriates an additional $175,000,000 for titles I and III of the Public Law 480 program and also provides an additional $60,000,000 for emergency food assistance for Africa to be available through September 30, 1985)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN), for himself, Mr. EAGLETON, Mr. HUDDLESTON, and Mr. STENNIS, proposes an amendment numbered 2865.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

For an additional amount for "Public Law 480", for financing the sale of agricultural commodities for convertible foreign currencies and for dollars on credit terms pursuant to titles I and III of the Agricultural Trade Development and Assistance Act of 1954, as amended, $175,000,000, of which $175,000,000 is hereby appropriated and made available, in addition to amounts otherwise made available, through September 30, 1985.

On page 2, line 7, strike out "$150,000,000" and insert: "$60,000,000".

On page 2, line 8, strike out "$150,000,000" and insert: "$60,000,000".

On page 2, line 9, strike out all after "ble" over to and including "requirements." on line 17 and insert: ", in addition to amounts otherwise made available, through September 30, 1985.".

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on this amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, as part of the target price freeze agreement passed by the Senate last week, the administration committed to the Public Law 480 program an increase of $325 million beyond its original request for fiscal years 1984 and 1985. And $150 million more would be provided in 1984 beyond the $90 million supplemental request for African drought relief, and $175 million more through 1985 beyond the pending regular budget request.

The purpose of this amendment is to implement that commitment and to reconcile the amounts in House Joint Resolution 492 with the total additional funding levels that have been agreed to. This amendment also provides for 2-year availability of the Public Law 480 funds, so that the combined 1984 and 1985 increase can be used as soon as market opportunities present themselves, and to the maximum advantage in terms of removing domestic surpluses and assisting recipient countries.

Within the 2-year add-on of $325 million, $60 million additional would be earmarked for title II humanitarian aid. When combined with the original administration request of $90 million, this would bring total title II funds to $150 million. However, since $90 million of this $150 total has already been added to the separate low-income energy supplemental, we need only provide $60 million in House Joint Resolution 492 for title II purposes. My amendment does this.

You may be aware that the conferees on the low-income energy supplemental met last Thursday afternoon and agreed to provide $90 million for emergency food assistance for Africa instead of $80 million—the amount in the Danforth amendment. The conferees also agreed to make available $90 million for sale or barter from the Commodity Credit Corporation inventory, as proposed by the House in the original resolution; therefore, our amendment strikes that provision from House Joint Resolution 492.

In addition, our amendment includes $175 million for financing the sale of agricultural commodities under titles I and III. This combined total of $265 million plus the $60 million add-on to the administration request for title II brings additional Public Law 480 and export financing funds to $325 million. This is equal to the extra amount agreed to as part of the farm bill compromise.

Since this funding is now provided in two separate supplementals, let me summarize the overall totals:

A total of $180 million in the low-income energy bill; $235 million in House Joint Resolution 492—with the Cochran amendment; and the gross total of $415 million represents a $325 million net increase over the original administration request of $90 million for Public Law 480.

In terms of funding distribution among the two bills combined: $150 million for title II; $175 million for title I and III; and $90 million for CCC inventory disposal.

I have received assurance, from OMB Director David Stockman, that the administration supports this amendment. Amended budget requests are now moving through the formal process at OMB and will be submitted to the Congress promptly.

Mr. President, by providing all of the additional Public Law 480 money now on a 2-year basis, we can assure that USDA will have maximum flexibility to achieve the twin objectives we have set forth:

First, humanitarian relief and economic aid in parts of the world where such efforts are supportive of our national interests and foreign policy; and

Second, promotion of U.S. agricultural exports and domestic surplus removal at a time when U.S. farm economy desperately needs more markets for our production and better prices for our producers.

Mr. President, in further explanation, let me say that this amendment adds funds for the Public Law 480 program, which is the subject of the pending legislation. That fact has probably been forgotten by the membership, but that is what we have on the floor, a Public Law 480 bill. We talked about El Salvador and a lot of other issues, but this is the basic bill before us.

This amendment seems to reflect some changes which the administration supports, by adding funds to the original request for fiscal years 1984 and 1985.

In essence, we are increasing by $325 million the amount that was originally provided in the regular fiscal year 1984 appropriation bill. This not only would go to help alleviate the famine problems in Africa, but would also expand the funding for credit sales to help provide opportunities for developing and expanding markets in countries which are able to make payments only if we give them credit to buy our products.

That is the purpose of the amendment, Mr. President, and I hope the Senate will support it.

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD.)

● Mr. HUDDLESTON. Mr. President, I am pleased to sponsor this amendment, which will provide additional funding for the Public Law 480 Food for Peace program, which provides food to needy countries throughout the world while developing export markets for United States agricultural commodities.

Title I of Public Law 480 provides for sales of U.S. agricultural commodities on credit terms. Title III of Public Law 480 permits some of the payback on such credit sales to be waived if the purchasing nation agrees to use an equal amount of funds for agricultural development activity within that nation. Title II of Public Law 480 authorizes donations of commodities to combat hunger throughout the world.

Under the amendment, an additional $235 million of funding will be provided for the Public Law 480 programs during fiscal years 1984 and 1985.

This additional funding takes into consideration action already taken by the Senate in providing famine relief funds as a part of the energy assistance supplemental appropriation, and follows through on the sense-of-Congress provision of H.R. 4072, adopted by the Senate on March 22 and approved by the conference committee yesterday, urging the administration to request additional Public Law 480 funding.

Congress has approved $90 million additional funding for Public Law 480 for African drought assistance in fiscal year 1984 in the energy assistance appropriations. Also, administration officials have agreed to support a request for further additional funding for the Public Law 480 program amounting to $150 million for fiscal year 1984 and $175 million in fiscal year 1985, for a total of $325 million.

In light of this commitment, the amendment appropriates an additional $175 million to carry out activities authorized under titles I and III of Public Law 480 through September 30, 1985, and sets at $60 million the amount to be appropriated for additional title II activities of Public Law 480 during the same time period, for a total of $235 million.

Finally, I would note that, as part of the energy assistance appropriation, Congress provided $90 million of Commodity Credit Corporation inventory for African drought assistance in addition to the Public Law 480 title II assistance.

I urge the Senate to adopt the amendment.●

Mr. HELMS. Mr. President, I am gratified that House Joint Resolution 492 contains a provision for Public Law 480 based on legislation which I have cosponsored. This provision will allow the administration to take emergency action to combat the current famine in Africa, and do so in a prompt manner through a program which has been proven to benefit both recipient countries and American farmers while promoting our Nation's foreign policy goals.

The current famine in Africa is heart-rending. The drought behind this famine affects not only the Sahel, a region in sub-Saharan western Africa, but also the Horn region and southern Africa. Reportedly, more than 150 million people in at least 24 African countries face starvation. It is estimated that 100,000 people have already died from drought-related causes in the country of Mozambique alone.

Mr. President, the Public Law 480 program provides an excellent mechanism through which America can help combat the widespread food shortages facing Africa. This program comes under the jurisdiction of the Senate Agriculture Committee, and as chairman of this committee, I have seen how this program works to promote our foreign policy, fight communism, and help America's farmers while utilizing our great resources to combat hunger.

Korea provides a prime example of how a little money spent in this program can translate into long term benefits for Americans. From 1954 through 1981, the United States provided a total of $1.971 billion worth of Public Law 480 assistance to the Republic of Korea—$1.65 billion through title I concessional sales, and $0.32 billion through title II donations.

At the time Korea started receiving food assistance, Korea was suffering serious economic disruption from prolonged war. Per capita income was about $100 annually; the agricultural and industrial sectors were very weak. These days, Korea is a success story looked to for guidance by developing countries throughout the world. Annual per capita income now exceeds $1,500, and Korea leads industrialized countries in annual economic growth.

For America's farmers, the food assistance provided to Korea over the last few decades meant less supply on our domestic market, and thus higher prices. But more importantly, the Public Law 480 program has helped Korea develop into a mature commercial market for American agricultural commodities and products. As the American farmer's fifth best customer, Korea now spends nearly $1.5 billion annually for our commercial agricultural exports. Compare this to the $1.9 billion which Korea received in U.S. assistance over 25 years.

The economic strength and good will which our food assistance has helped promote in Korea has also translated into foreign policy gains. Today, Korea stands as freedom's first line of defense against Communist aggression in the Far East. It has developed the military and economic power necessary to protect itself from attack from the North and remains the last bastion of freedom on the Far East Asian continent. Few nations are as dependably loyal to the United States as is Korea.

Most recently, the Senate Agriculture Committee has added to its continuing record of improving food assistance. As part of the new farm legislation passed by the Senate last week as H.R. 4072, language was included seeking additional appropriations for Public Law 480. Specifically, the legislation asks for additional appropriations providing for $150 million beyond the administration request for use in fiscal year 1984 and $175 million for use in fiscal year 1985. Furthermore, another $50 million is asked for to be used as the administration chooses for either Public Law 480 or direct export credit programs.

Also, as part of this legislation, improvements were made in the section 416 program. Under this program, the Secretary of Agriculture has already sent overseas literally hundreds of thousands of tons of surplus dairy products which would otherwise go to waste in Government storage.

As per a provision which I cosponsored with the ranking member of our committee, Senator HUDDLESTON, a pilot program would be operated for 2 years which would provide that ultra-high temperature (UHT) milk would be donated to foreign countries through section 416. UHT milk is a unique, new product which requires no refrigeration or reconstitution. Because of these characteristics, UHT milk holds much promise in combating malnutrition among children in those areas of Africa where no fresh water is available to reconstitute the non-fat dry milk traditionally donated by the United States.

In addition, Senator MELCHER added a provision to the farm bill which would expand section 416 authority to include the donation of wheat, as well as dairy products, to needy persons in foreign countries, and to allow the monetization, through sale or barter, or donated commodities.

Mr. President, I am certain that Senators will agree that there are few Senators who guard the Federal Treasury as closely as I do. However, money spend through the Public Law 480 has proven to be a wise investment in earning friends for America, building markets for our farmers, and helping countries build the strength necessary to defend their freedom from Soviet aggression. The dire need for food assistance in Africa at this time makes it even more compelling that emergency supplemental appropriations be made for the Public Law 480 program, without delay. I am there-

fore pleased to offer my support for the Public Law 480 provisions of House Joint Resolution 492.

Mr. BUMPERS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. BUMPERS. Will the Senator from Mississippi be kind enough to allow me to make a statement on an unrelated matter for about 5 minutes before we vote, or does he have some reason for an immediate vote?

Mr. COCHRAN. Mr. President, I have an airplane that is going to leave whether I am on it or not. I have no problem with the Senator taking time to discuss the amendment or ask any questions about it. What we hope to do is to go to a vote right now.

Mr. BUMPERS. That is fine, Mr. President. I am not catching an airplane, but I do not want the Senator from Mississippi to miss his airplane.

The ACTING PRESIDENT pro tempore. Is there further discussion on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Mississippi. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Alabama (Mr. DENTON), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Iowa (Mr. JEPSEN), the Senator from Nevada (Mr. LAXALT), the Senator from Indiana (Mr. QUAYLE), the Senator from Wyoming (Mr. SIMPSON), the Senator from Idaho (Mr. SYMMS), the Senator from Texas (Mr. TOWER), and the Senator from Virginia (Mr. TRIBLE) are necessarily absent.

I also announce that the Senator from Vermont (Mr. STAFFORD) is absent on official business.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

Mr. BYRD. I announce that the Senator from New Jersey (Mr. BRADLEY), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Nebraska (Mr. EXON), the Senator from Kentucky (Mr. FORD), the Senator from Colorado (Mr. HART), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from New York (Mr. MOYNIHAN), the Senator from Georgia (Mr. NUNN), the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that the Senator from North Dakota (Mr. BURDICK), and the Senator from Arizona (Mr. DECONCINI) are absent on official business.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 71, nays 2, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—71

Abdnor	Garn	Mitchell
Andrews	Glenn	Murkowski
Baker	Goldwater	Nickles
Baucus	Gorton	Packwood
Bentsen	Grassley	Pell
Biden	Hatch	Percy
Bingaman	Hecht	Pressler
Boren	Heflin	Pryor
Boschwitz	Heinz	Randolph
Bumpers	Helms	Riegle
Byrd	Hollings	Roth
Chafee	Inouye	Rudman
Chiles	Johnston	Sarbanes
Cochran	Kassebaum	Sasser
Cohen	Kasten	Specter
D'Amato	Leahy	Stennis
Danforth	Levin	Stevens
Dixon	Long	Thurmond
Dole	Lugar	Wallop
Domenici	Mathias	Warner
Durenberger	Mattingly	Weicker
Eagleton	McClure	Wilson
East	Melcher	Zorinsky
Evans	Metzenbaum	

NAYS—2

Humphrey	Proxmire

NOT VOTING—27

Armstrong	Hart	Moynihan
Bradley	Hatfield	Nunn
Burdick	Hawkins	Quayle
Cranston	Huddleston	Simpson
DeConcini	Jepsen	Stafford
Denton	Kennedy	Symms
Dodd	Lautenberg	Tower
Exon	Laxalt	Trible
Ford	Matsunaga	Tsongas

So the amendment (No. 2865) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, on behalf of the Senator from Mississippi, I ask unanimous consent that the names of Senator JOHNSTON and Senator BOREN be added as cosponsors of his amendment No. 2864; that the names of Senator BOREN and Senator JOHNSTON be added as cosponsors of amendment No. 2865; and that the name of Senator HELMS be added as a cosponsor of amendment No. 2862.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, at this time, the Senator from Montana has an amendment that I believe would add money to the bill, and there should be a vote on it. There will be a very short discussion.

After that, Senator BAUCUS has an amendment which we will accept. Following that, there is an amendment by Senator SPECTER which we will accept. Following that, there will be an amendment by Senator BOREN which we expect to accept. I see one more vote in the immediate process.

AMENDMENT NO. 2866

(Purpose: To make $5,000,000 available only for furnishing commodities under Public Law 480 for the Philippines)

Mr. MELCHER. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER) proposes an amendment numbered 2866.

Mr. MELCHER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the part of the joint resolution relating to Public Law 480 add the following new section:

"EMERGENCY FOOD ASSISTANCE FOR THE PHILIPPINES

For an additional amount for " Public Law 480", for commodities supplied in connection with dispositions abroad, pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, $5,000,000, of which $5,000,000 is hereby appropriated and made available through September 30, 1984, and such amount shall be available only for the Philippines."

Mr. MELCHER. Mr. President, I am offering today an amendment to the emergency supplemental appropriations bill providing for $5 million in emergency food aid under title II of Public Law 480 for poor and unemployed families in the Philippines.

Since September, a sudden and intense economic crisis in the Philippines has resulted in factory shutdowns in the basic light industry sectors of the Philippine economy causing mass layoffs in Manila and other urban areas; 300,000 persons have lost their jobs in the Philippines from October 1, 1983, until now.

The most immediate and basic need of these unemployed families is for food. They can make sacrifices in housing, clothing, and other personal needs, but without emergency food aid, there is serious hunger and malnutrition for 100,000 of these families.

Cardinal Jaime Sin, the Manila Rotarians, the Catholic Relief Services and CARE in the Philippines, have agreed to see that the food is distributed to those in need and have estimated that 30,000 metric tons of rice would meet immediate food needs with a cost of $10 million. This amount of aid would provide sufficient food to meet the needs of 100,000 families for a period of 6 months. The average size of the families targeted are those with less than $10 per month per person of income.

I relayed the request for this emergency food aid to the U.S. Agency for

International Development last January, and, at the time, I had hoped that this modest request would have been fulfilled in a few weeks. However, this did not happen, and to date only $5 million of the needed $10 million in emergency food aid has been provided to start this emergency program. AID supports my request for the additional funds.

The need for the additional food is growing in urgency. My amendment provides for the remaining $5 million for emergency food aid under Public Law 480 that is needed right now, and I urge you to support it.

Mr. INOUYE. Mr. President, I commend my colleague from Montana for his leadership and initiative in this matter. I think the expenditure is well worthwhile.

Mr. STEVENS. Mr. President, we are prepared to accept the amendment on principle, but since it is adding money to the bill and I think we should establish a principle about adding money to the bill, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alabama (Mr. DENTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Iowa (Mr. JEPSEN), the Senator from Indiana (Mr. QUAYLE), the Senator from Idaho (Mr. SYMMS), the Senator from Texas (Mr. TOWER), and the Senator from California (Mr. WILSON) are necessarily absent.

I also announce that the Senator from Vermont (Mr. STAFFORD) is absent on official business.

I further announce that if present and voting, the Senator from Alabama (Mr. DENTON) would vote "yea."

Mr. BYRD. I announce that the Senator from New Jersey (Mr. BRADLEY), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Kentucky (Mr. FORD), the Senator from Colorado (Mr. HART), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Georgia (Mr. NUNN), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that the Senator from North Dakota (Mr. BURDICK) and the Senator from Arizona (Mr. DECONCINI) are absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 19, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—57

Abdnor	Hatch	Murkowski
Andrews	Heflin	Packwood
Baker	Heinz	Pell
Baucus	Helms	Percy
Bentsen	Hollings	Pressler
Biden	Inouye	Pryor
Boschwitz	Johnston	Randolph
Bumpers	Kasten	Riegle
Byrd	Laxalt	Rudman
Chiles	Leahy	Sarbanes
Cohen	Levin	Sasser
D'Amato	Long	Simpson
Danforth	Mathias	Specter
Dixon	Matsunaga	Stennis
Eagleton	McClure	Stevens
East	Melcher	Trible
Exon	Metzenbaum	Wallop
Garn	Mitchell	Weicker
Glenn	Moynihan	Zorinsky

NAYS—19

Bingaman	Gorton	Nickles
Boren	Grassley	Proxmire
Chafee	Hecht	Roth
Dole	Humphrey	Thurmond
Domenici	Kassebaum	Warner
Evans	Lugar	
Goldwater	Mattingly	

NOT VOTING—24

Armstrong	Durenberger	Lautenberg
Bradley	Ford	Nunn
Burdick	Hart	Quayle
Cochran	Hatfield	Stafford
Cranston	Hawkins	Symms
DeConcini	Huddleston	Tower
Denton	Jepsen	Tsongas
Dodd	Kennedy	Wilson

So Mr. MELCHER's amendment (No. 2866) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2867

(Purpose: To direct funds for the reclamation of the Colorado Tailings site near Butte, Montana)

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I send to the desk my amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana (Mr. BAUCUS) proposes an amendment numbered 2867.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following new section:

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

ABANDONED MINE RECLAMATION FUND

Notwithstanding any other provision of law, within the amounts provided under this head in the fiscal year 1984 Department of Interior and Related Agencies Appropriation bill, $1,000,000 shall be made available to the State of Montana for reclamation grants pursuant to Section 402(g)(2) of Public law 95-87 for reclamation of the Colorado Tailings site in Montana.

Mr. BAUCUS. Mr. President, this amendment would require the Office of Surface Mining to release $1 million of Montana's State share funds to the Governor of Montana to reclaim the Colorado Tailings site near Butte, Mont.

I have discussed this amendment with the distinguished committee chairman, Mr. MCCLURE, and the ranking member, Mr. BYRD, and I understand they are agreeable to accepting the amendment.

The PRESIDING OFFICER. Would the Senator withhold?

The Senate will be in order so that the discourse of the various Senators can be heard.

The acting majority leader is recognized.

Mr. STEVENS. Mr. President, the Senator from Montana is correct. We do support the amendment.

Mr. BAUCUS. This amendment is virtually the same as one the Senate accepted last year at my request on the fiscal 1984 appropriation bill for the Department of the Interior and related agencies. I regret that I have to ask the Senate to act again on this matter.

After the Senate approved my amendment last year, report language was substituted in conference because the House conferees had no objection and the Department indicated that report language would suffice. However, after the final bill was signed into law, I was informed that the Office of Surface Mining was still refusing to release the funds because Department solicitors perceived statutory impediments.

This amendment does not address any of the broad issues involving the abandoned mine reclamation program that have been raised in Montana and in other States. Many reclamation projects are being held up because of disagreements between States and the Office of Surface Mining about the proper interpretation of the Federal Surface Mining Act and particularly the eligibility of 409(c), or noncoal, projects. There appears to be a natural reluctance on the part of the Office of Surface Mining to grant funds for these projects. The State of Montana testified last year before congressional committees on these issues.

Mr. President, I hope the Congress will act soon to resolve these difficulties and disagreements so we can move

more quickly to clean up dangerous toxic sites like the Colorado Tailings. In the meantime, I hope the Senate will again agree to my amendment to take care of this dangerous site in my State. It is clearly in the public interest.

The State of Montana has ranked a 24-mile stretch of Silver Bow Creek as the No. 1 hazardous waste site in the State. This site is No. 24 on the Environmental Protection Agency's National Superfund Inventory List. The Colorado Tailings have been identified as the largest pollution source in the entire Clark Fork drainage system, which has suffered considerable damage from mining activities in the past.

Montana's Department of State Lands estimates that reclamation of the Colorado Tailings site, which this amendment addresses, would reduce the heavy metal and acid pollution in the creek by 66 percent.

This site, and Silver Bow Creek, have been intensively studied since 1977. The State has developed a reclamation plan to isolate the mine wastes from the creek channel and floodplain, thereby substantially reducing ground and surface water pollution.

Mr. President, this amendment does not increase the appropriation made by Congress for State reclamation programs; nor does it authorize the expenditure of discretionary funds included in the bill for noncoal projects. All this amendment does is to require the Office of Surface Mining to release $1 million from Montana's State reclamation program for the Colorado Tailings project.

Mr. President, I am asking the Senate to approve this amendment on this urgent supplemental appropriations bill so cleanup can proceed during this year's construction season.

Mr. President, my amendment will permit the State of Montana to clean up Montana's worst heavy metal and acid polluting mine waste site: The Colorado Tailings, on Silver Bow Creek near Butte, Mont. This is an abandoned mine waste site that poses a substantial hazard to the health and safety of the residents and water users of Silver Bow Creek.

The PRESIDING OFFICER. Is there objection to the amendment? Without objection, the amendment (No. 2867) is agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Later, the following occurred:)

Mr. STEVENS. Mr. President, I ask unanimous consent that the Baucus amendment No. 2867 agreed to earlier today be corrected to read in the manner which I send to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment, as corrected, reads as follows:

At the appropriate place in the bill, insert the following:

DEPARTMENT OF THE INTERIOR

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

ABANDONED MINE RECLAMATION FUND

Notwithstanding any other provision of law, within the amounts provided under this head in the Department of the Interior and Related Agencies Appropriation Act, 1984 (Public Law 98-146), $1,000,000 shall be made available to the State of Montana for reclamation grants pursuant to Section 402(g)(2) of Public Law 95-87 for reclamation of the Colorado Tailings site in Montana.

THE BANKRUPTCY BILL

Mr. BAKER. Mr. President, might I be recognized for a moment?

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I do not intend to interrupt the Senator from Pennsylvania except to say this: It is my hope that in a moment we will be able to clear a very short time agreement to go to a 30-day extension of the bankruptcy bill.

The minority leader staff I believe has attempted to complete the clearance on that. I would like the Senator from Pennsylvania to yield to me so that I can try to move to that matter.

Mr. SPECTER. I am pleased to yield to the majority leader.

Mr. BAKER. Mr. President, I yield first to the distinguished Senator from Ohio.

Mr. METZENBAUM. Mr. President, it is my understanding that if the 30-day extension comes to the floor, that the unanimous-consent agreement will be in such a manner that no amendments will be possible by any Member of the Senate.

Mr. BAKER. Mr. President, I will include that in the request. I have not yet completed the clearance with the minority leader but I will include that in the request.

Mr. METZENBAUM. If the House provides, Mr. President, amendments, will all of our rights be fully protected?

Mr. BAKER. Yes. Mr. President, I assure the Senator that if the bill comes back to us with House amendments, I will confer with the minority leader and the Senator from Ohio before I proceed further. I will not now put the request since the clearance is not complete, but I thank the Senator from Pennsylvania for yielding to me, if necessary.

AMENDMENT NO. 2868

(Purpose: To appropriate additional funds for title VII of the Higher Education Act of 1965, relating to construction and renovation of academic facilities)

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I send to the desk my amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER), for himself, Mr. HEINZ, and Mr. STAFFORD,

Mr. SPECTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, after line 25, insert the following:

DEPARTMENT OF EDUCATION

HIGHER EDUCATION

For an additional amount to carry out part B of title VII of the Higher Education Act of 1965, relating to construction and renovation of academic facilities, $3,400,000 which shall remain available until expended: *Provided*, That is spending amounts appropriated under this heading the Secretary shall waive the provisions of sections 721(a)(2), 721(b), 721(c), 713(g), and 742(2)(B) of such part.

Mr. SPECTER. Mr. President, I offer this amendment for my distinguished colleagues, Senator HEINZ, Senator STAFFORD, and myself, at the request of the administration. This amendment is for an additional $3.4 million for part B of title VII of the Higher Education Act of 1965.

The purpose of the amendment is to rectify a funding problem which has occurred in relation to the Urban Education Foundation of Philadelphia (Pa.).

Last fall, the Provident Mutual Life Insurance Co. offered the Urban Education Foundation as a gift its properties worth approximately $40 million on the precondition that the administration provide $5 million for the renovation and operation of the building.

On October 26, 1983, Senator HEINZ and I offered an amendment for $5 million. The amendment was accepted. On November 7, 1983, President Reagan announced the $5 million grant to accomplish this very substantial and important gift. Later, on November 15, 1983, at the Senate-House conference for fiscal year 1984 supplemental budget, I received a letter from Mr. David Stockman, Director of the Office of Management and Budget, informing me that an approach had been worked out which would not require the amendment.

Mr. President, I ask unanimous consent that Mr. Stockman's letter may appear in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., November 15, 1983.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, D.C.

DEAR ARLEN: Please forgive me for not responding earlier to your letter of October 24 concerning the Philadelphia project involving Provident Mutual and the two historically black colleges. As I'm sure you know by now, an approach has been worked out using currently available Education and HUD funds that will allow the project to go forward. No supplemental appropriation of additional 1984 funds will be necessary.

I'm sure you're as pleased as I that we've been able to work this out to everyone's satisfaction without needing additional funds. Thank you for your assistance and concern.

Sincerely,

DAVID A. STOCKMAN,
Director.

Mr. SPECTER. Mr. President, recently, during hearings before the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the Appropriations Committee it came to my attention that there was a problem with the $3.4 million which the Department of Education was to have provided. Following discussions with Director Stockman and Secretary Bell, it was decided that the best approach would be to add this amendment at this time to provide for an additional $3.4 million.

I visited the building at 46th Street in Philadelphia. I can advise my colleagues that this is a very big building, and a great opportunity for Lincoln and Cheyney universities. The $5 million is certainly a great leveraging factor. It is necessary to have this additional $3.4 million provided at this time.

Mr. President, I ask unanimous consent that the letter received March 21, 1984, stating the support of the administration for a 1984 Education Department supplemental of $3.4 million, be inserted in the RECORD in its entirety.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, D.C.

DEAR ARLEN: Thank you for bringing the problem of the timeliness of awards to Lincoln University and Cheyney State College to my attention. As you know, the Administration is firmly committed to providing $5 million in order to bring the Lincoln-Cheyney project to fruition.

We understand that Lincoln and Cheyney will soon submit a proposal to the Economic Development Administration (EDA) for $1.6 million and that EDA will expedite its evaluation of this proposal. In light of existing commitments against 1984 Education Department monies and the administrative difficulties associated with providing the remaining funds on a timely basis, we would support a 1984 Education Department supplemental of $3.4 million as an amendment to H.J. Res. 492. This amount would represent the difference between our $5 million commitment and the EDA award.

Thank you for your continuing interest in this matter.

Sincerely,

DAVID A. STOCKMAN,
Director.

(By request of Mr. SPECTER the following statement was ordered to be printed in the RECORD.)

● Mr. STAFFORD. Mr. President, I support the amendment offered by Senator SPECTER.

Mr. President, the amendment Senator SPECTER and I offer today is needed to insure completion of a project which is already underway in Philadelphia. In December of last year, upon the assurances of a $5 million Federal match offerd by the President, Lincoln University and Cheyney State College entered into an agreement with the Provident Mutual Life Insurance Co. to set up an Urban Education Foundation.

Provident Mutual's participation in this project involved the very generous donation of its former corporate headquarters, valued at between $35 to $40 million. The Federal matching funds were to be used for reconstruction, renovation, and startup costs for the education programs to be offered by the foundation.

Mr. President, this is a fine example of a joint cooperative venture among the private sector, the academic community, and the Federal Government, and should be strongly supported by the President. The Specter-Stafford amendment would add $3.4 million to the supplemental appropriations bill to complete the project, with an additional $1.6 to be provided through an EDA grant. This is a limited, modest Federal investment which should be made in a program to serve as a national model.

Other business representatives will be looking toward the success of this project to determine whether they should get involved in this type of activity. For many, a successful outcome might encourage cooperation in a way that will improve the quality of education at the universities and certainly in the surrounding schools which stand to benefit from the programs operated by the foundation.

Indeed, as chairman of the Senate Education, Arts and Humanities Subcommittee, I have heard repeatedly over the last year that it will be the cooperative efforts of business, universities, and schools which will bring about an improvement in the quality of education. I urge adoption of the Specter-Stafford amendment, and I want to particularly commend the work of the Secretary of Education who has made this project a reality.●

● Mr. HEINZ. Mr. President, passage of the amendment introduced by my distinguished colleague, Senator SPECTER, will give the Senate the opportunity to do something truly historic.

It would enable Lincoln and Cheyney Universities of Pennsylvania, two prominent historically black colleges to receive the largest private sector grant to black higher education in American history.

Mr. President, we simply cannot afford to pass up this opportunity to promote partnership between the private sector and black higher education.

This amendment seeks $3.6 million in grants for the construction of academic facilities. The Provident Mutual Insurance Co. has made a gift of properties worth approximately $40 million to Lincoln and Cheyney universities. These two universities will then use the construction grants and the donated property to establish an inner city college.

This campus would serve one of the most economically distressed communities in the city. It would provide a beacon of hope for the poor and minority residents of west Philadelphia, the entire metropolitan area, and indeed the entire Nation.

We all know that as a nation we must redouble our efforts to educate and train this country's black and Hispanic youth, particularly those in our inner cities where teenage unemployment is the worst.

Lincoln and Cheyney have as their principal goal the education of the city's minority youth.

Mr. President, this is truly a unique opportunity for us to demonstrate our commitment to black higher education, to private sector support of public services and to the education, training, and employment of the Nation's black and Hispanic young people.●

Mr. SPECTER. Mr. President, I want to thank the distinguished Senator from Connecticut (Mr. WEICKER) the chairman of the Subcommittee on Labor, Health and Human Services, and Education for his cooperation on this matter. I know that he will wish to speak for himself.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, I move adoption of the amendment.

Mr. SPECTER. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there objection to the adoption of the amendment?

Mr. STENNIS. Mr. President, as far as I know, there is no opposition on this side of the aisle.

The PRESIDING OFFICER. Hearing no objection, the adoption of the amendment (No. 2868) is agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WEICKER. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2869

(Purpose: To extend the work incentive program)

Mr. BOREN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. BOREN), for himself and Mr. MOYNIHAN, proposes an amendment numbered 2869.

Mr. BOREN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the joint resolution add the following new section:

Sec. . (a) Section 445(b) of the Social Security Act is amended by striking out "Not later than June 30, 1984, the Governor" and inserting in lieu thereof "The Governor".

(b) Section 445(d) of such Act is amended by striking out the first and second sentences and inserting in lieu thereof the following: "After initial approval of a State work incentive demonstration program, the State may elect to use up to six months for planning purposes.".

(c) Section 445(e) of such Act is amended by striking out the third sentence and inserting in lieu thereof the following new sentence:

"The second evaluation shall be conducted three years from the date of the secretary's approval of the demonstration program.".

(d) Section 445(f) of such Act is amended by adding the following new subsection:

"(3) The Secretary of Health and Human Services shall conduct, in consultation with the states, a thorough study of the allocation formula described in subsection (1) of this section and report back to Congress no later than April 1, 1985 on the findings of this study with recommendations, if appropriate, for modifying the allocation formula to take into account state performance and to provide for the equitable distribution of funds.".

(e) The provisions of this section shall become effective on the date of the enactment of this joint resolution.

Mr. BAKER. Mr. President, will the Senator yield for a moment?

Mr. BOREN. I am happy to yield.

Mr. BAKER. Mr. President, I hope, if we can get final clearance on the bankruptcy extension bill, the Senator from Oklahoma will yield to me so that we can get out of the way and get it to the House of Representatives.

Mr. BOREN. I will be happy to yield.

Mr. BAKER. I thank the Senator.

Mr. BOREN. Mr. President, the amendment at the desk is on behalf of myself and Senator MOYNIHAN.

In 1981 the Finance Committee unanimously approved the Work Incentive Demonstration Act and attached it to that year's reconciliation bill. The work incentive (WIN) demonstration project allows participating States to consolidate administration of the WIN program in the State welfare agency. In contrast, the regular WIN program divides administrative responsibility between the State welfare agency and the State employment security commission. The purpose of both the WIN program and the WIN demonstration program is to place welfare recipients in unsubsidized private-sector jobs.

Some 18 States have participated in the WIN demonstration program, taking advantage of the administrative efficiency which it provides. The results have often been outstanding, as is illustrated by the example of Oklahoma. During the 12-month period which ended July 1, 1983, precisely 4,560 AFDC clients had been placed in longer term, unsubsidized private-sector employment as part of the WIN demonstration project in that State. This is more than double the number so placed when the regular WIN program was still in effect in Oklahoma (and elsewhere) in fiscal year 1981.

Authority for additional States to participate in the program expires on June 30, 1984. Those States already participating in the WIN demonstration program are confined by a 3-year limit upon the duration of the program. In many States this 3-year period will end in 1985.

The amendment would do the following:

Repeal the June 30, 1984, deadline for additional States to apply to participate in the demonstration program; repeal the 3-year limit upon the duration of the program; authorize a study of the funding formula.

Extension of the WIN demonstration program involves no cost. The Federal allocation to States continues at the same level regardless of whether that State has chosen to participate in the WIN demo or to remain in the regular WIN program.

I am convinced that extending the WIN demo will result in net Federal savings. Many participating States (such as Oklahoma) have found that the WIN demo project enables them to remove a far greater number of AFDC recipients from the welfare rolls and place them in private employment than were placed when the regular WIN program was in effect in those States. The resulting savings in AFDC payments could prove to be quite significant.

The following States are now participating:

WIN DEMONSTRATION PROJECT STATES

Arizona, Arkansas, Delaware, Florida Illinois, Iowa, Minnesota, Michigan, Nebraska, New Jersey, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Virginia, West Virginia, and Wisconsin.

Mr. President, I have discussed this amendment with the chairman of the subcommittee, the Senator from Connecticut (Mr. WEICKER) and I understand it is agreeable to him.

Mr. WEICKER. Mr. President, we have no objection to the amendment.

Mr. BOREN. Mr. President, I know of no objection to the amendment. I move its adoption.

Mr. STENNIS. Mr. President, I know of no objection on this side of the aisle of the amendment. I am for it.

The PRESIDING OFFICER. If there is no further discussion, the question is on agreeing to the amendment.

The amendment (No. 2869) was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, if other Members have amendments, I would urge them to offer them. If they do not, I am about to suggest the absence of a quorum while I try to finish the clearance process on the bankruptcy bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I yield to the majority leader.

Mr. BAKER. Mr. President, I hope the Senator from Arkansas is not about to offer an amendment, but, if he is, I have a request to make.

I am only a little short of desperate to get out the 30-day extension of the bankruptcy bill. We have yet to complete our clearance. I expect to do so momentarily.

Could I ask the Senator, if he does intend to offer an amendment, would he be willing to yield to me so I could do this as quickly as possible?

Mr. BUMPERS. I would be happy to yield.

Mr. President, I was just going to discuss an amendment to be offered on Monday or Tuesday and spend about 3 or 4 minutes discussing it.

If the majority leader has clearance now, I am happy to yield.

UNANIMOUS-CONSENT AGREEMENT—S. 2057

Mr. BAKER. Mr. President, I am now advised the minority leader has cleared on his side a request that I will now put.

Mr. President, I ask unanimous consent that the Senate temporarily lay aside the pending business and turn to the consideration of a bill to extend the Bankruptcy Act, which I send to the desk.

I further ask unanimous consent that the time for the debate on this measure be limited to 20 minutes, equally divided.

I further ask unanimous consent that no amendment be in order to this bill.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

TO CONTINUE THE TRANSITION PROVISIONS OF THE BANKRUPTCY ACT UNTIL MAY 1, 1984

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2507) to continue the transition provisions of the Bankruptcy Act until May 1, 1984, and for other purposes.

The PRESIDING OFFICER. The bill will be considered to have been read the second time at length, and the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

Mr. BAKER. Mr. President, absent other provisions, I assume the majority and minority leaders will have control of the time.

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. Mr. President, I yield to the distinguished Senator from South Carolina (Mr. THURMOND).

Mr. THURMOND. Mr. President, this legislation would briefly extend the transition period established by the Bankruptcy Reform Act of 1978 for 1 month. Instead of terminating on March 31 of this year, the provisions of the transition period—see title IV of Public Law 95-598—would terminate on April 30, 1984. This legislation also provides that the revised emergency rule, or interim rule, promulgated by the Judicial Conference and adopted by the district courts as a local rule, shall remain in effect during this extension of the transition period. The interim rule became effective on December 25, 1982, when the stay of the Supreme Court's decision in Northern Pipeline Construction Co. against Marathon Pipe Line Co. expired.

Mr. President, I regret that it has become necessary to introduce such legislation. It would be far preferable to enact permanent legislation addressing the jurisdictional issues raised in the Marathon case. The Senate has in fact approved its version of a permanent solution by passing S. 1013, the Bankruptcy Court and Federal Judgeship Act of 1983, on April 27 of last year. That bill, approved by voice vote, is similar in its operation and structure to the interim rule.

One day remains before the termination of both the transition period and the interim rule. At that time, absent congressional action, serious questions will arise regarding which Federal courts, if any, have jurisdiction over bankruptcy cases and proceedings and whether the existing bankruptcy judges may remain on the bench. Even if district courts are found to have jurisdiction over bankruptcy matters, serious manpower problems will result if the current bankruptcy judges are unable or unwilling to continue to serve in their present capacity, leaving district court judges and U.S. magistrates to absorb the pending bankruptcy caseload.

It is becoming clear that this is insufficient time to resolve some very important issues involved in the bankruptcy area. While I feel that these issues can be satisfactorily resolved, achieving such a resolution is requiring time and effort. It is important that Congress carefully consider any legislation before it and that a hasty and ill-advised solution not be agreed to simply to meet statutory deadlines.

While we work out these issues during the next month, I believe that it is incumbent upon Congress to at least pass legislation extending the current transition period. A viable bankruptcy system is simply too important to debtors, creditors, and the economy as a whole to let the system slip into chaos while Congress struggles to resolve very significant and controversial issues.

Mr. BAKER. Mr. President, there are no further statements to be made on this side.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I rise in support of this legislation, introduced by the distinguished majority leader, to extend the authorization of all existing bankruptcy judges through April 30, 1984. This will allow the bankruptcy courts to continue their current system of operation. Within the past few months, I have addressed the critical situation facing our U.S. bankruptcy judges. We are now on the verge of an actual crisis—we are at a point where the Congress must fish or cut bait.

Over the past several years, there has been an ongoing dialog in the Congress as to the proper role of our Federal bankruptcy courts and the establishment of adequate jurisdiction for the bankruptcy judges of the United States. The main focus of this legislation is in response to the U.S. Supreme Court decision of Northern Pipeline Construction Co. against Marathon Pipeline Co., in which the Court ruled unconstitutional the bankruptcy court system created under the Bankruptcy Reform Act of 1978.

The Supreme Court in the plurality opinion held that it was unconstitutional for the Congress to assign powers to decide certain bankruptcy proceedings involving State law questions to Federal bankruptcy judges who did not have life tenure and guarantee against reduction in salary contained in article III of the U.S. Constitution.

The Court stayed its decision until October 4, 1982, and later extended the stay to December 24, 1982, to give Congress an opportunity to respond. Congress failed to act by this date. The Court issued its judgement. The bankruptcy courts have since operated under an interim rule proposed by the Judicial Conference of the United States and adopted by the judicial council of each of the Federal circuits.

In light of the Marathon decision and with the conclusion of the transition period of the 1978 legislation on the 31st of March, 1984, it is imperative that the Congress redefine the jurisdiction of the bankruptcy court consistent with the Constitution. In response to this situation, the U.S. Senate on April 27, 1983, passed Senate bill 1013, which restructured the jurisdiction of the bankruptcy court as an adjunct of the U.S. district court and passed other meaningful improvements in the bankruptcy substantive law and authorization for additional judicial positions for our Federal judiciary. The House of Representatives acted on H.R. 5174 on March 21, 1984, which after long and extensive deliberation adopted a restructured bankruptcy court, similar to S. 1013, as an adjunct of the district court.

The concepts of the Kindness-Kastenmeier court structure embodied in H.R. 5174 and the structure established in Senate bill 1013 are very similar in nature, with differences in the appointment power of the bankruptcy judges.

Unfortunately, in the limited amount of time we have, and due to the parliamentary position we find ourselves in, it appears that we are unable to come to an agreement as to the total structure of the bankruptcy court and other relative aspects of a bankruptcy reform package, before the close of business this week.

As of March 31, 1984, there will be no authorization for the appointment, jurisdiction, compensation or tenure of the more than 200 bankruptcy judges which are serving in the 94 judicial districts throughout this country. We will still have a bankruptcy law, a bankruptcy court system and half a million pending cases, but there will be no bankruptcy judges authorized to fulfill the constitutional mandate in article 1, section 8, clause 4 of the Constitution, which provides for "* * * uniform laws on the subject of bankruptcy throughout the United States."

I firmly believe a permanent legislative remedy can be achieved by the 30th of April, but my immediate concern is to provide for the continued operation of the bankruptcy courts of the United States. The Baker bill will temporarily extend the existing statute and would provide for the continued authorization of current bankruptcy judges until permanent legislation can be enacted. I urge my colleagues to support this legislation so that we might avoid the approaching chaos facing our Federal judiciary. I appreciate the leadership of the majority leader and the chairman of the Senate Judiciary Committee in acting responsibly as to the continued efficient operation of our Federal bankruptcy system.

Thank you, Mr. President.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise in support of what is the best of a bad situation. We should be doing more than this, and we hopefully will be able to do that within the 30-day period. We have to address more than the extension but, quite frankly, we have just run out of time on this matter.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, could I inquire if there is any requirement for a rollcall vote? I know of none on this side, Mr. President.

Mr. BYRD. I know of none on this side.

Mr. BAKER. Mr. President, I suggest the absence of a quorum with the time to be charged equally.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, may I say to the minority leader that I have a request for a rollcall vote on this side. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The time has not expired.

Mr. BAKER. Mr. President, I yield back my remaining time.

Mr. BYRD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alabama (Mr. DENTON), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Iowa (Mr. JEPSEN), the Senator from Indiana (Mr. QUAYLE), the Senator from Idaho (Mr. SYMMS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I also announce that the Senator from Vermont (Mr. STAFFORD) is absent on official business.

I further announce that, if present and voting, the Senator from Alabama (Mr. DENTON) and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

Mr. BYRD. I announce that the Senator from New Jersey (Mr. BRADLEY), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Kentucky (Mr. FORD), the Senator from Colorado (Mr. HART), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Georgia (Mr. NUNN), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that the Senator from North Dakota (Mr. BURDICK) and the Senator from Arizona (Mr. DECONCINCI) are absent on official business.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 78, nays 0, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—78

Abdnor	Bingaman	Chiles
Andrews	Boren	Cohen
Baker	Boschwitz	D'Amato
Baucus	Bumpers	Danforth
Bentsen	Byrd	Dixon
Biden	Chafee	Dole
Domenici	Kassebaum	Pressler
Durenberger	Kasten	Proxmire
Eagleton	Laxalt	Pryor
East	Leahy	Randolph
Evans	Levin	Riegle
Exon	Long	Roth
Garn	Lugar	Rudman
Glenn	Mathias	Sarbanes
Goldwater	Matsunaga	Sasser
Gorton	Mattingly	Simpson
Grassley	McClure	Specter
Hatch	Melcher	Stennis
Hecht	Metzenbaum	Stevens
Heflin	Mitchell	Thurmond
Heinz	Moynihan	Trible
Helms	Murkowski	Wallop
Hollings	Nickles	Warner
Humphrey	Packwood	Weicker
Inouye	Pell	Wilson
Johnston	Percy	Zorinsky

NOT VOTING—22

Armstrong	Ford	Nunn
Bradley	Hart	Quayle
Burdick	Hatfield	Stafford
Cochran	Hawkins	Symms
Cranston	Huddleston	Tower
DeConcini	Jepsen	Tsongas
Denton	Kennedy	
Dodd	Lautenberg	

So the bill (S. 2507) was passed as follows:

S. 2507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 402 of the Act entitled "An Act to establish a uniform Law on the Subject of Bankruptcies" (Public Law 95-598) is amended in subsections (b) and (e) by striking out "April 1, 1984" each place it appears and inserting in lieu thereof "May 1, 1984".

(b) Section 404 of such Act is amended in subsections (a) and (b) by striking out "March 31, 1984" each place it appears and inserting in lieu thereof "April 30, 1984".

(c) Section 406 of such Act is amended by striking out "March 31, 1984" each place it appears and inserting in lieu thereof "April 30, 1984".

(d) Section 409 of such Act is amended by—

(1) striking out "April 1, 1984" each place it appears and inserting in lieu thereof "May 1, 1984"; and

(2) striking out "March 31, 1984" each place it appears and inserting in lieu thereof "April 30, 1984".

SEC. 2. Section 405(b) of the Act entitled "An Act to establish a uniform Law on the Subject of Bankruptcies" (Public Law 95-598) is amended by adding at the end thereof the following: "The Revised Emergency Rule prescribed by the Judicial Conference of the United States, which became effective on December 25, 1982, shall be in effect during the remainder of the transition period. The Conference may amend such Rule if necessary in order to provide for the orderly and expeditious consideration of bankruptcy cases and proceedings in the Federal courts.".

SEC. 3. (a) Section 8339(o) of title 5, United States Code, is amended by striking out "April 1, 1984" and inserting in lieu thereof "May 1, 1984".

(b) Section 8331(22) of title 5, United States Code, is amended by striking out "March 31, 1984" and inserting in lieu thereof "April 30, 1984".

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, we have just extended, for a 30-day period, questions about the bankruptcy bill. During this 30-day period, the Committee on the Judiciary expects to hold more hearings on this subject. We want anyone who is interested in attending these hearings to know about it; and if any Senators want to participate, we will be glad to have them join us.

URGENT SUPPLEMENTAL FOR FISCAL YEAR 1984—PUBLIC LAW 480 PROGRAM

The Senate continued with the consideration of House Joint Resolution 492.

Mr. BUMPERS. Mr. President, there are no amendments awaiting disposition. If there were, I would not presume to take any time at this point.

I say to the Senate that I am today filing an amendment, which I will offer on Monday or Tuesday, dealing with the Central America part of this bill.

The amendment is very simple. It says that if a duly elected President of El Salvador should be prevented from taking office or, once taking office, shall be deposed by military decree or military force, then all funds appropriated herein and not theretofore disbursed will immediately stop, until Congress reappropriates the funds.

Mr. President, I recognize that the administration is not likely to champion this amendment. I asked the question of Secretary Shultz the other day, in the Appropriations Committee, whether he would support this amendment, and his answer was that he thought we could depend on the military in El Salvador not to do that. He pointed out that the military had taken themselves out of the elections—probably incorrectly, as he pointed out, but that, nevertheless, it showed a great deal of good faith on the part of the military.

However, it seems to me that we cannot have it both ways. If we have a policy at all in El Salvador, it is that we are trying to build, nurture, and institutionalize democratic institutions, a system of justice, a political system that adheres to the popular will.

Much has been said on the floor of the Senate, in our respective caucuses, and in briefings by those who went to El Salvador as observers of the election last Sunday; and, almost without exception, the Members of this body and the Members of the House got virtually teary-eyed about the intensity of the feelings of the people who stood in the hot sun for hours for an opportunity to vote, people who said they were voting because they wanted to stop the violence. I must say that their depiction of the scene was graphic, poignant, and most impressive.

However, if that is our policy, and I think it is—and I think it should be—then we should not continue to funnel money to whatever government is in control down there if it is essentially a military dictatorship. It is very difficult to establish democracy in a country which has such a sordid history of military dictators.

Mr. President, even the conservative Heritage Foundation points out that in the past 55 years, El Salvador has had seven coups. In 1931, Gen. Maximiliano Hernandez Martinez overthrew the government of Arturo Araujo, who had been elected 11 months earlier, and he ruled for 12 years. And six more coups followed between then and now.

Mr. President, I am not going to recite all these coups, but there have been practically nothing but military dictatorships in El Salvador for the past 55 years.

I hope that both Congress and the administration will agree that it is our policy to champion human rights, to champion land reform, to champion a system of justice that will bring to justice those who violate human rights. I would hope that this is our policy, and that if there is a coup following the Presidential elections which are about to take place in the next 30 days, we will serve notice now that whoever is popularly and duly elected there must be allowed to serve.

The argument is made—and it might as well be said openly and on the floor of the Senate—what if D'Aubuisson is elected? Well, what if he is? And what if he is deposed by the other side, whether it be military or some other kind of disposition of Mr. D'Aubuisson? At that point, Congress has a right to decide whether it wants to continue to fund.

Bear in mind that this amendment is not championing one candidate over another but simply is trying to implement or assist in implementing a policy.

It occurs to me, for example, that if Duarte is the President, he will need all the leverage he can get if he is serious about human rights and land reform.

In the final analysis, Mr. President, it is this Senator's candid opinion that unless ultimately there is a government in El Salvador that has popular support, we will never win. All the ammunition, all the weapons we can send will not give our side a victory unless it is popularly supported by the people. That has always been true. It was true in Vietnam, and it is true in El Salvador.

So if we want somebody like Duarte, who we think is pretty much of a right thinker, to have the opportunity to instill and to nurture and to build the kind of institutions that will gain support for the government, I believe we have to give him some leverage.

Mr. President, I will offer this amendment on Monday or Tuesday of next week. I make this statement now so that those who oppose it will have an opportunity to bring their guns to bear on it, and so that those who support it will be thinking of the arguments they might want to use.

Mr. President, I do not see anybody else on the floor; so, having said that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I inadvertently failed to mention in offering this amendment that the following Senators are cosponsors: Mr. LEAHY, Mr. SASSER, Mr. JOHNSTON, Mr. BAUCUS, Mr. METZENBAUM, Mr. LEVIN, Mr. EXON, Mr. RANDOLPH, Mr. DIXON, Mr. BIDEN, Mr. ZORINSKY, Mr. MATSUNAGA, and Mr. RIEGLE.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2871

(Purpose: To make technical corrections)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 2871.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 3, strike out "sum is" and insert in lieu thereof "sums are".

On page 6, line 19, strike out "98-394" and insert in lieu thereof "98-146".

Mr. STEVENS. Mr. President, this is a technical amendment that I offer on behalf of the chairman of the full committee. It simply makes a grammatical change now that we have more than one sum appropriated in the bill and it corrects the citation in the 1984 fiscal year Interior appropria-

tions bill. It is totally technical. I ask that the amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska (Mr. STEVENS).

The amendment (No. 2871) was agreed to.

● Mr. DANFORTH. Mr. President, no one can claim a monopoly on concern about the situation in Central America. The harsh reality is that there is no good policy option.

The stability of Central America is vital to the interest of the United States. While the strategic significance of any region so close to our borders is self-evident, the multifaceted nature of the relationship accounts for its overwhelming importance.

The countries of Central America lie along one of our major trade routes. Nearly half our trade, three-quarters of our imported oil, and over half our strategic minerals pass through the Panama Canal or the Gulf of Mexico. Our culture and ideals are closely related. Indeed, many of our citizens have close relatives in the region.

Unfortunately, as much as we wish that it were otherwise, the stability of Central America is gravely endangered. There have been gross economic inequities in the region for generations which have been exacerbated by the global economic pressures of recent years. These countries have a tradition of authoritarian governments that have inevitably favored some groups over others and have frequently bred corruption. Socially, this has resulted in polarized societies and prevented the development of vigorous middle classes. This unstable situation has become even more dangerous with the armed conflict encouraged by Cuba, the Soviet Union, and others operating through Marxist Nicaragua.

Under the circumstances, the United States must act to assist the nations of Central America if there is to be any hope for the establishment of secure, stable governments in the region.

In recognition of the importance of Central America to our interests, President Reagan appointed the National Bipartisan Commission on Central America to study the problems of the region. In its report, the commission emphasized the complex interrelationships between the economic, social, political, and military aspects of the problem and stated unequivocally that a multifaceted approach to the solution is the only one that has a true chance to succeed. I agree with the Commission and believe we should act accordingly.

One of the major destabilizing influences in the region is the Marxist regime in Nicaragua. In 1979, the Sandinistas—who took power from the authoritarian, repressive Somoza regime—formally pledged to the Organization of American States to establish a democratic, pluralistic, and nonalined government in Nicaragua. At that time, the United States rushed $24.6 million in emergency food, medical, and reconstruction assistance to the new government. In the first 21 months of the regime, we obligated $117 million in direct economic assistance and assisted the new government in securing $262 million from multilateral lending institutions—almost double the amount the Somoza government had received in the preceding 20 years.

Nevertheless, the Sandinistas proceeded to censor the once-active press, to limit free enterprise, to bring religion under state control, and to build the largest army in Central America—four times the size of Somoza's notorious national guard. Quite understandably, armed resistance to the new government soon developed.

Despite these developments, the Carter administration suspended aid disbursements to Nicaragua only after it became clear that the Sandinistas were supporting the guerrilla movement in El Salvador. This support takes the form of supplying and training the Salvadoran guerrillas, as well as allowing operation of the guerrillas' sophisticated command and control center in Nicaragua.

Espousing a doctrine of revolution without frontiers, the Nicaraguan regime threatens not only the Government of El Salvador, but those of Honduras, Guatemala, and Costa Rica as well. The presence of advisers and support from the Soviet Union, Cuba, Libya, and the PLO belies any Sandanistan calls for peace and nonintervention in the region.

I believe the United States is justified in its suspension of aid to Nicaragua and its support for Nicaraguan counterrevolutionaries so long as Nicaragua foments conflict beyond its own borders.

We should not write off the regime in Nicaragua entirely. But while there should always be room for dialog, we cannot stand idly by as they seek to undermine the stability of their neighbors and ours.

As regards the situation in El Salvador, no one will deny that the Government is far from perfect. Clearly, El Salvador faces grave dangers well beyond those caused by external factors. The United States has been providing aid to El Salvador to enhance the general economic, social, and political welfare. Significantly, for every dollar spent on military aid, we are spending $3 in economic aid. In addition, a key portion of our military aid comprises medical supplies and medical training—crucial for a country whose death rate for those wounded is 67 percent in contrast to a wounded mortality rate for the United States of 11 percent during World War II.

I remain convinced that the only real hope we have of achieving political stability in Central America is to increase the economic stability and reduce the economic inequities in the region. The Salvadoran guerrillas seem to recognize this, too—witness the cruel economic war they are waging against El Salvador's citizens through the willful destruction of powerplants, bridges, and other foundations of economic infrastructure.

While much room for improvement remains, real progress has been made in El Salvador, due in large part to enhanced U.S. influence and pressure: The land reform program established in 1980 has benefited almost 25 percent of the rural population. Where 1 percent of the population once owned 40 percent of the land, over one-third of the farmland is now in the hands of former tenants or farmworkers. More than 1,000 political prisoners, guerrillas, and guerrilla supporters were granted amnesty in 1983. A new constitution, which went into effect in December 1983, establishes a republican, pluralistic form of government with improved safeguards for individual rights. In 1982, national elections for a constituent assembly were held. Now a Presidential election is underway. In striking contrast to the more traditional role of the military in the region, the Salvadoran military has played a major role in protecting and defending the land reform process and the establishment of democracy.

This evidence of progress in El Salvador is generally acknowledged to be a direct result of the growing influence of the United States.

The debate over aid to El Salvador frequently focuses on violations of basic human rights by the extreme right and the implication of civilian and military officials in such crimes. The Government of El Salvador understands our revulsion to these activities and has begun to respond.

While there are no fully reliable statistics on the number of civilian deaths attributable to political violence in El Salvador, the Department of State and the various U.S. human rights organizations which compile such figures agree that there has been measurable reduction in the level of political violence. Of course, this is still insufficient and I believe we must continue to pressure the Government of El Salvador on the issue of human rights. Vice President BUSH, Secretary of State Shultz, and other U.S. officials have spoken out very forcefully on this issue. The results are tangible. The Salvadoran Armed Forces high command has publicly broadcast its opposition to such violence and issued orders aimed at curbing it. The Government has removed many officials suspected of involvement in violent activities and is making efforts to insure

more effective functioning of the criminal justice system. All of these developments, I believe, are reflective of progress in the right direction—progress which has occurred in large measure due to the increased U.S. influence in El Salvador and our efforts to insure that progress toward democratization is not destroyed by economic adversity or external military force.

If there is to be an American solution to the situation in Central America, it cannot be fashioned solely by the United States. To this end I am encouraged by the diplomatic efforts of the Contadora initiative sponsored by Colombia, Mexico, Panama, and Venezuela, which is aimed at securing a comprehensive regional peace treaty. In September 1983, all five Central American countries—Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua—agreed to a document setting out 21 key objectives. These include establishment of democratic systems of government, the reduction of arms and military personnel, a ban on foreign military bases and foreign military advisers, and an end to support for subversion. On January 8, 1984, the five Central American governments agreed to create three working commissions to consider the security, political, and socioeconomic aspects of these objectives. These are positive developments which the United States supports and must continue to encourage.

However, while peace is essential if progress is to occur, these moves toward the reestablishment of peace are not an end in themselves. Rather, if successful, they will provide an atmosphere for the political reconstruction and economic recovery that is necessary to stabilize the region on a more permanent basis.

I have never believed that a military solution is possible in Central America, but I am convinced that at present, U.S. economic and military aid is essential to prevent widespread Marxist military solutions. If the experience of the Cambodians, the Afghans, the Poles, or even the Nicaraguans is considered, it becomes clear that the prospect of Marxist rule offers little promise of improved standards of life to the citizens of Central America. Democratization and economic reform do hold the promise of hope for the people of the region. I believe it is in our interest, as well as theirs, to see that such reform can take hold and be allowed to thrive.●

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we are working on a time agreement that we hope to offer in the near future. The majority leader asked me to announce that there will be no more rollcall votes today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NICKLES). Without objection, it is so ordered.

TO CONTINUE THE TRANSITION PROVISIONS OF THE BANKRUPTCY ACT UNTIL MAY 1, 1984

Mr. BAKER. Mr. President, earlier, the Senate passed S. 2507. I ask unanimous consent that the Senate concur in the House amendment to that bill.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. I will add to that: When received, the Senate concur in the House amendment to that bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

URGENT SUPPLEMENTAL FOR FISCAL YEAR 1984—PUBLIC LAW 480 PROGRAM

The Senate continued with the consideration of the House joint resolution.

TIME LIMITATION AGREEMENT—HOUSE JOINT RESOLUTION 492

Mr. KASTEN. Mr. President, on behalf of the leadership, I am prepared to present a unanimous-consent request for a time agreement on House Joint Resolution 492, the supplemental appropriations bill, for next week.

Mr. President, I ask unanimous consent that during the consideration of House Joint Resolution 492, the supplemental appropriations bill, it be considered under the following time agreement: 8 hours on the bill to be equally divided between the chairman of the Appropriations Committee and the ranking minority member, or their designees; 30 minutes on all second-degree amendments, and that they be germane to the first-degree amendment; 10 minutes on any debatable motion, appeal or point of order, if such is submitted to the Senate; that the agreement be in the usual form, with the following time agreements: 30 minutes for the Specter amendment to specify the creation and operations of a special judicial unit to investigate murders in El Salvador; 30 minutes for a Baucus-Bumpers amendment dealing with National Park Service contracting out; 1 hour on a Goldwater-Stevens amendment dealing with the Corporation for Public Broadcasting; 30 minutes on a Levin amendment dealing with lakeshore improvement in Manistee County, Mich.; 2 hours on a Kennedy amendment reducing aid to El Salvador; 30 minutes on a Kennedy amendment No. 2836; 2 hours on a Kennedy amendment No. 2838; 1 hour on a Kennedy amendment No. 2839; 1 hour on a Kennedy amendment No. 2840; 1 hour on a Kennedy amendment No. 2842; 4 hours on a Kennedy amendment No. 2843; 30 minutes on a Kennedy amendment to suspend deportation of Salvadoran refugees in United States; 30 minutes on a Kennedy amendment providing assistance to displaced persons in El Salvador; 20 minutes on a Kennedy amendment to insure that House Joint Resolution 492 is fully consistant with U.S. treaty obligations; 30 minutes on a Kennedy amendment requiring the President to report on where U.S. weapons end up; and 2 hours on a Dodd amendment establishing certain conditions on covert assistance for Nicaragua.

I would say, Mr. President, that we shall have a further part of this unanimous-consent request dealing with the dates or the time for the entire covert assistance to Nicaraguan section, which will appear toward the end of this unanimous-consent request.

Four hours on a Dodd amendment restricting aid to El Salvador pending final disposition of the cases relating to the murder of the four churchwomen; 4 hours on a Sasser amendment to limit use of the Honduran bases to exercises and to prevent any DOD money from going into permanent bases; 2 hours on a Biden amendment relating to Central America; 30 minutes on a Moynihan amendment relating to justice in El Salvador; 2 hours on a Bumpers amendment to discontinue aid to El Salvador unless reappropriated by Congress, if the President of El Salvador is prevented from taking office or deposed by military force or decree; 30 minutes on a Levin amendment strengthening the conditionality on military assistance in Central America; 1 hour on a Levin amendment establishing conditions on covert assistance in Central America; 20 minutes on a Matsunaga amendment, sense of Congress, urging the President to use CAT teams in Africa

to relieve hunger; 30 minutes on a Hatfield amendment relating to the Columbia River.

No time agreement on a Chiles amendment, sense of the Senate, on deficit reduction.

No time agreement on a Pressler amendment, antisatellite activities; 30 minutes on a Melcher amendment relating to impact aid for schools; 2 hours on a Leahy amendment relating to expenditure of prior funds in El Salvador; 2 hours on a Leahy amendment relating to covert activities in Nicaragua; 2 hours on a Melcher amendment relating to level of funds for El Salvador; and 2 hours on a Leahy amendment relating to combat forces in El Salvador.

Provided that any amendment relating to covert assistance in Central America not be considered prior to Tuesday next; provided further that all amendments specifically identified in the time agreement must deal only with the subject matter stated in the agreement; further provided that if the Chair is overruled on a question of germaneness, the time agreement will be vitiated on the amendment in question with respect to total time on both sides; further provided that no amendments other than those listed above be first-degree amendments.

Mr. President, in addition, just for the sake of the record, I want to say that there is a Stevens amendment dealing with Barrow gas that may be considered with a 30-minute time agreement, but that I want to reserve the right of Senator STEVENS to bring that forward. The text of that amendment is not yet before us and we want—if the text comes, it will be subject to an agreement with the Senator from Ohio and the Senator from Alaska in terms of its ability to come before the Senate.

Mr. BYRD. Will the Senator yield?

Mr. KASTEN. I am happy to yield to the minority leader.

Mr. BYRD. I do not believe it is agreeable on this side to agree with the provision with respect to the Stevens amendment until we know exactly what is involved. At this moment, I cannot agree to that within the content of this agreement at this moment.

Mr. KASTEN. I understand, Mr. President. I left it for last—maybe we can keep it even further back.

Mr. President, I made an error when I listed the Specter amendment. The Specter amendment which I listed was to specify the creation and operation of the special judicial unit to investigate murders in El Salvador, that is not correct. That amendment is, I should have read, a 30-minute time agreement for a Specter amendment to set aside 30 percent until the verdict is gotten in the nuns' case. So, if we can simply change the listing in that way.

The last part of this unanimous-consent request is that the first item of business which will be before the Senate when we resume consideration after the special orders will be the Melcher amendment relating to levels of funds for El Salvador, with a 2-hour time limit equally divided.

Mr. BYRD. Mr. President, as I understand it, the amendment by Mr. MELCHER would be pending at such time as morning business is completed and the Senate has returned to consideration of this bill.

Mr. KASTEN. That is my understanding.

Mr. BYRD. Would the distinguished Senator repeat for me again the identification of the Specter amendment?

Mr. KASTEN. The Specter amendment is 30 minutes on an amendment to set aside 30 percent of the funds until a verdict is reached in the nuns' case.

Mr. BYRD. What happens to this amendment that I have before me?

Mr. KASTEN. The amendment I read has been dropped and Senator SPECTER does not intend to offer that amendment. It is not a part of the unanimous-consent request.

Mr. BYRD. Mr. President, for the moment, I shall not reserve the right to object; I shall give other Members the chance to do so. As far as I am personally concerned, I do not object and do not know of any objection on this side, but I shall withhold that as far as the final position is concerned until I have heard Mr. MELCHER and Mr. LEAHY.

I wonder if I could ask a question here: The 2 hours on the Kennedy amendment reducing aid to El Salvador—does the Senator mean whether or not that is in the first degree or the second degree?

Mr. KASTEN. That is correct. That amendment could be offered in the first degree or the second degree. I should like to say to the Senator that a number of these amendments listed may be offered as second-degree amendments eventually. It is also my understanding that a number of the amendments listed, specifically some of the Kennedy amendments, may be offered in combination. What we want to do is preserve the right of everyone to offer this list of first-degree amendments, which does not prevent them from offering any of these amendments as second-degree amendments except doing that with the time limits so designated. In other words, they could offer it as a second-degree amendment and it would not be subject to the 30-minute time limitation.

Mr. LEAHY. Reserving the right to object, is it my understanding that there will be no part of this unanimous consent setting a time before which record votes will not be called on Monday?

Mr. KASTEN. In response to the Senator from Vermont, if he will yield, there is no specific stacking of votes or other delays, but I say to the Senator on behalf of the manager on this side—and I think I can speak for the manager on the Democratic side as well—depending on how things work out on Monday and who is here and how the process is going, we would try to work to accommodate Senators because we understand there may be a number of Senators who are absent earlier in the day and who would be coming later in the day. But I cannot make any specific kinds of assurances on any kind of delay or stacking of votes at this time.

The very earliest we could have a vote because of the special orders would be 2 p.m., or shortly thereafter, but I assure the Senator from Vermont that the managers of the bill would like to work toward some kind of accommodation. I personally will work to do that, and I am sure the Senator from Hawaii and others who are interested will do so.

Mr. LEAHY. Further reserving the right to object, and I shall not, as the distinguished chairman of the subcommittee knows, the Senator from Vermont was here, along with the distinguished Senator from Wisconsin I might say, until about 11:30 last night in attempts to work out this unanimous-consent agreement, which I think is a very good one and shows a great deal of give and take on both sides of the aisle. I do not want to do anything to upset it. I did raise the point about time last night. I raise it now. I urge the managers of the bill, if at all possible, on the amendments on Monday—I realize the majority leader does not want to stack Monday votes to occur on Tuesday, but I urge that we try to vote as late Monday as possible. There are a number of people coming back from the west coast as well as some like myself, who have very limited air traffic, who will not be getting in until the latter part of the afternoon. I would selfishly be tempted to object to the unanimous-consent agreement until we could work that out, but I shall not.

I also would assume the Senator does not want to consider an agreement to vote all these amendments en bloc.

I withdraw that request. That is a quarter of 4 on Friday afternoon type request. Mr. President, I shall not object to the unanimous-consent request. I compliment the authors on both sides of the aisle in putting it together.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, reserving the right to object, and I shall not object, I think it is significant to

proceed early in this process of consideration of amendments on the El Salvador portion on those amendments that are actually amendments to reduce the amount, because many of the amendments involved with El Salvador attach conditions to the funds that are going to be expended. It seems to me only logical that we should first bring out reductions in that amount to see what is the will of the Senate. It is for that reason I am pleased the acting majority leader and the manager of the bill have asked unanimous consent we first take up an amendment which I have that actually is designed to reduce the overall amount from $62 million down to $35.4 million. I think that speaks well for the agreement, and I am pleased the acting floor leader has made the request that my amendment come up first in the consideration.

Mr. KASTEN. I thank the Senator from Montana. Late last night we said that we would try to reach some kind of an accommodation for the Senator from Montana. I think by working together we in fact have done so.

Mr. President, I should like to add two additional amendments to the unanimous-consent list: A 30-minute time limit on a Dixon summer youth employment amendment, and a 30-minute time limit on a Hatfield amendment relating to timber research and productivity. I amend my unanimous-consent request to add those two amendments.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, may I ask a question of the distinguished acting majority leader. Does the Hatfield amendment have anything to do with timber sales?

Mr. KASTEN. It is my understanding that the Hatfield amendment has nothing to do with timber sales. It has to do with research and productivity, not with sales of timber or forest lands.

Mr. BYRD. Mr. President, further reserving the right to object, will the distinguished acting leader repeat that portion of the request which deals with the amendment by Mr. STEVENS?

Mr. KASTEN. There is a Stevens amendment dealing with Barrow gas on which a 30-minute time limitation was originally requested. That amendment along with the time limitation has been dropped out of the overall unanimous-consent request pending a review of the amendment by a number of Senators on both sides.

Mr. President, we once more are going to amend our request to include the Stevens amendment dealing with Barrow gas with a 30-minute time limitation under the condition that if there is an objection from the Senator from Ohio (Mr. METZENBAUM) to the inclusion of the amendment in this unanimous-consent request, the amendment will be dropped; further, that there is no time limitation agreed to on the Hatfield amendment having to do with timber research and productivity.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, I want to have a very clear understanding with regard to amendments, a general understanding—that is, that only those amendments which are specified may be called up

Mr. KASTEN. As first-degree amendments.

Mr. BYRD. As first-degree amendments. And if any of those are called up as second-degree amendments, they must be germane to the first-degree amendments to which they are meant to be added.

Mr. KASTEN. The Senator is correct.

Mr. BYRD. First-degree amendments have to be germane to the resolution, with the exception of those amendments that have been specified. Other than these, there are no first-degree amendments that can be called up. Is that correct?

Mr. KASTEN. The Senator is correct.

Mr. BYRD. Second-degree amendments have to be germane to the first-degree amendments.

Mr. KASTEN. The Senator is correct.

Mr. BYRD. And if the Chair is overruled on the question of germaneness, the time agreement will be vitiated on the amendment in question and will be vitiated with respect to the time on the bill itself. Is that correct?

Mr. KASTEN. The Senator is correct.

Mr. President, I should like to amend the request further to include an amendment relating to El Salvador, by the Senator from California (Mr. WILSON), with a 30-minute time agreement.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, I do not know what the amendment is, and I would need to know that first. Can we identify the amendment?

If the distinguished acting Republican leader can give us a few minutes, we will ascertain whether or not there is any problem. So far as I am concerned, we will go with the rest of the request, up to that point.

Mr. KASTEN. Mr. President, in further clarification of the subject matter of the amendment by the Senator from California (Mr. WILSON), it is in the form of a sense-of-the-Senate resolution commending the El Salvadoran Government for a number of their efforts.

I ask unanimous consent that the Wilson amendment on El Salvador be included in the request, without a time limit.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KASTEN. Mr. President, a parliamentary inquiry. Has the entire unanimous-consent request been agreed to?

The PRESIDING OFFICER. Not yet.

Is there objection to the entire unanimous-consent request? The Chair hears none, and the request is agreed to.

The text of the agreement follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That when the Senate resumes consideration of H.J. Res. 492, a joint resolution making an urgent supplemental appropriation for the fiscal year ending Sept. 30, 1984, for the Department of Agriculture, time for debate on any second degree amendment shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the resolution, and time for debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 10 minutes, to be equally divided and controlled by the mover of such and the manager of the resolution: *Provided*, That any second degree amendment shall be germane to the first degree amendment: *Provided further*, That the following amendments be excepted:

Specter amendment to set aside 30 percent of funds until a verdict on the Nun's case is reached, on which there shall be 30 minutes;

Baucus/Bumpers amendment dealing with National Park Service contracting-out, on which there shall be 30 minutes;

Goldwater/Stevens amendment dealing with Public Broadcasting Corporation, on which there shall be 1 hour;

Stevens amendment dealing with Barrow Gas, on which there shall be 30 minutes (subject to the approval of the Senator from Ohio (Mr. METZENBAUM));

Levin amendment dealing with Lake Shore improvement in Manistee County, Michigan, on which there shall be 30 minutes;

Kennedy amendment reducing aid to El Salvador, on which there shall be 2 hours;

Kennedy amendment No. 2836, on which there shall be 30 minutes;

Kennedy amendment No. 2838, on which there shall be 2 hours;

Kennedy amendment No. 2839, on which there shall be 1 hour,

Kennedy amendment No. 2840, on which there shall be 1 hour;

Kennedy amendment No. 2842, on which there shall be 1 hour;

Kennedy amendment No. 2843, on which there shall be 4 hours;

Kennedy amendment dealing with suspending deportation of Salvadoran refugees in U.S., on which there shall be 30 minutes;

Kennedy amendment on providing assistance to displaced persons in El Salvador, on which there shall be 30 minutes;

Kennedy amendment to ensure that H.J. Res. 492 is fully consistent with U.S. treaty obligations, on which there shall be 20 minutes;

Kennedy amendment requiring the President to report on where U.S. weapons end up, on which there shall be 30 minutes;

Dodd amendment establishing certain conditions on covert assistance for Nicaragua, on which there shall be 2 hours;

Dodd amendment restricting aid to El Salvador pending final disposition of the cases relating to the murder of 4 churchwomen, on which there shall be 4 hours;

Sasser amendment to limit use of the Honduran bases to exercise and to prevent any DOD money from going into permanent bases, on which there shall be 4 hours;

Biden amendment relating to Central America, on which there shall be 2 hours;

Moynihan amendment relating to justice in El Salvador, on which there shall be 30 minutes;

Bumpers amendment to discontinue aid to El Salvador unless reappropriated by Congress, if the President of El Salvador is prevented from taking office or deposed by military force or decree, on which there shall be 2 hours;

Levin amendment strengthening the conditionality on military assistance in Central America, on which there shall be 30 minutes;

Levin amendment establishing conditions on covert assistance in Central America, on which there shall be 1 hour;

Wilson sense of the Senate amendment on government of El Salvador;

Matsunaga sense of Congress amendment urging the President to use CAT teams in Africa to relieve hunger, on which there shall be 20 minutes;

Hatfield amendment on timber research;

Hatfield amendment relating to the Columbia River, on which there shall be 30 minutes;

Chiles sense of Senate amendment on deficit reduction;

Pressler amendment on anti-satellite activities;

Dixon amendment on summer youth employment, on which there shall be 30 minutes;

Leahy amendment relating to expenditure of prior funds in El Salvador, on which there shall be 2 hours;

Leahy amendment relating to covert activities in Nicaragua, on which there shall be 2 hours;

Melcher amendment relating to level of funds for El Salvador, on which there shall be 2 hours;

Leahy amendment relating to combat forces in El Salvador, on which there shall be 2 hours:

Provided, That any amendment relating to covert assistance in Central America not be considered prior to Tuesday, April 3, 1984: *Provided further,* That all amendments specifically identified in the time agreement must deal only with the subject matter stated in the agreement: *Provided further,* That if the Chair is overruled on a question of germaneness, the time agreement will be vitiated on the amendment in question and with respect to total time on the bill itself: *Provided further,* That no other amendments other than the amendments listed above be first degree amendments: *Provided further,* That in the event the manager of the resolution is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee.

Ordered further, That time on the resolution shall be limited to 6 hours, to be equally divided and controlled by the Chairman of the Appropriations Committee and the Ranking Minority Member, or their designees: *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

Ordered further, That when the Senate resumes the unfinished business, the Melcher amendment on which there is 2 hours be made the pending question.

Mr. KASTEN. Mr. President, I should like to make an announcement on behalf of the leadership.

We have agreed to a unanimous-consent request with over 40 hours of amendments and 8 hours on the bill, and it would be the intention of the leadership and of the floor managers to try to finish this bill by Thursday evening or Friday at the latest. Therefore, we should expect that the Senate will be in session and voting, very likely, on Monday night, and almost certainly on Tuesday, Wednesday, and Thursday nights.

If we are to complete our business on these important amendments, that kind of effort will be necessary, and the leadership and the floor managers on both sides are prepared for that kind of schedule.

Mr. BYRD. Mr. President, I thank the distinguished acting majority leader for his courtesy and patience and for his cooperation in working out this agreement.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask the distinguished assistant Republican leader if he wishes to take up some nominations.

Mr. STEVENS. Yes.

Mr. BYRD. Mr. President, I say to the distinguished assistant Republican leader that there have been some problems with Calendar No. 517 on this side of the aisle, but those problems have been resolved, and we on this side of the aisle are ready to proceed with the nomination under the Department of Labor.

Mr. STEVENS. Mr. President, I inquire of my good friend if we could go into executive session for the purpose of considering all the nominations on the calendar: On page 1 from No. 517 on, all of page 2, all of page 3, and the Foreign Service nomination of Donald D. Cohen.

Mr. BYRD. Mr. President, I say to the distinguished assistant Republican leader—we do not speak to him as acting leader; he is the assistant leader—that this side of the aisle is ready to deal only with the nomination listed under the Department of Labor.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering Calendar No. 517 under the Department of Labor.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

DEPARTMENT OF LABOR

The bill clerk read the nomination of Francis X. Lilly, of Maryland, to be Solicitor for the Department of Labor.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. STEVENS. Mr. President, I now inquire of my friend if there is an objection from the distinguished Democratic leader if we proceed to the consideration of Calendar Order No. 703, 729, and 730, en bloc.

Mr. BYRD. Mr. President, speaking on behalf of Senators on this side of the aisle, there will be no objection.

Mr. STEVENS. Mr. President, I ask unanimous consent that those calendar order numbers be considered en bloc, that the bills be passed, and that the statements of either side be inserted at the appropriate spot as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL POWER ACT AMENDMENTS

The Senate proceeded to consider the bill (S. 1132) to amend the Federal Power Act to specify the annual charges for projects with licenses issued by the Federal Energy Regulatory Commission for the use of Federal dams and other structures, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and insert:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sub-

section 10(e) of the Federal Power Act (16 U.S.C. 803(e)) is amended beginning with the last clause of the first sentence as follows: "but in no case shall a license be issued free of an annual charge for the development and utilization of power created by any Government dam. The amount of said annual charge shall not exceed one dollar per kilowatt of installed capacity and one-half mill per kilowatt-hour of energy produced. If such charge is less than the maximum amount authorized, the Commission shall explain its reasons therefor. Except as provided in subsections 10(f) and 10(g) the annual charge provided for in this subsection shall be the only charge assessed by an agency of the United States and such charge shall be determined by the Commission. No charge, however, shall be assessed in those cases where the United States has heretofore entered into a contract with a licensee which provides that the licensee may build and own power plants utilizing irrigation facilities constructed by the United States and which further provides that all revenues from such power plants and from the use, sale, or the disposal of power therefrom shall be and remain the property of the licensee.".

SEC. 2. Subsection 10(g) of the Federal Power Act (16 U.S.C. 803(g)) is redesignated as subsection 10(h) and all subsequent subsections are redesignated accordingly.

SEC. 3. The Federal Power Act is amended by adding a new subsection 10(g) as follows:

"(g)(1) The appropriate agency of the United States, other than the Commission, shall assess and collect from the licensee the costs incurred by such agency for specific planning, design, operation, maintenance, inspection and administration resulting from the development and utilization of power at the Government dam by the licensee.

"(2) The appropriate agency of the United States, other than the Commission, shall assess and collect from the licensee the original actual costs which remain outstanding and were incurred by such agency in constructing facilities for the purpose of power production which are utilized by the licensee in the development of power at the Government dam. Such costs shall be paid by the licensee in accordance with existing law, where applicable, or by written contract for a period of not more than forty years. Interest shall be assessed and accrue from the date of hydropower license is issued under the Act or the date such costs are incurred by the agency, whichever is later. The interest rate shall be determined at the time it begins to accure by the Secretary of the Treasury on the basis of the computed average interest rate then payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from the date of issue. Construction costs may be repaid by the licensee within a shorter period of the time than is provided by existing law or this subsection upon written agreement of the licensee and the appropriate agency. Funds so received by the agency shall be credited to the appropriate accounts as provided for in existing law.".

SEC. 4. The Federal Power Act is amended by adding a new subsection 10(k) as follows:

"(k) Every five years, the Commission shall review the appropriateness of the annual charge limitations provided for in subsection 10(e) and report to Congress concerning its recommendations thereon.".

SEC. 5. Section 17(a) of the Federal Power Act (16 U.S.C. 810(a)) is amended by modifying the last clause of the second sentence as follows:

(a) strike out word "licenses" and insert in lieu thereof "licenses, other than those for the use of Bureau of Reclamation facilities," and

(a) strike the words "United States." and insert in lieu thereof "United States; and 50 per centum of all charges whatsoever arising from all licenses hereunder authorizing in any manner the use of Bureau of Reclamation structures and facilities shall be paid into the Reclamation fund.".

Mr. McCLURE. Mr. President, as reported, S. 1132 clearly demonstrates the strong and abiding interest which the Senate Committee on Energy and Natural Resources retains in pursuing the development of our Nation's hydroelectric resources. S. 1132 is directed toward resolving the seeming uncertainties which surround the development of hydroelectric facilities at Government dams by non-Federal developers.

As my colleagues will recall, I was joined by the late Senator Jackson and the junior Senator from Alaska in introducing S. 1132 on April 21 of last year. On July 25, 1983, S. 1132 was the subject of a hearing before the Committee on Energy and Natural Resources, and I ask unanimous consent that the statement submitted by Senator Jackson, at the hearing, be reprinted in the RECORD at this point.

Mr. President, this legislation is important as the development of our hydroelectric resources is indeed in the national interest, and in turn S. 1132 has a national impact. Following is a listing, by State, of pending applications for hydroelectric permits or licenses involving Government dams:

Pending permit or license applications for hydroelectric development at Government dams

Alabama	3
Arizona	2
Arkansas	28
California	24
Colorado	25
Connecticut	6
Florida	3
Georgia	2
Idaho	11
Illinois	10
Indiana	14
Iowa	8
Kansas	13
Kentucky	41
Louisiana	13
Maine	6
Maryland	3
Minnesota	8
Mississippi	4
Missouri	12
Montana	21
Nebraska	4
Nevada	1
New Hampshire	6
New Mexico	11
New York	5
North Carolina	9
Ohio	20
Oklahoma	16
Oregon	35
Pennsylvania	46
South Dakota	2
Tennessee	4
Texas	12
Utah	20
Vermont	8
Virginia	4
Washington	42
West Virginia	14
Wisconsin	5
Wyoming	8

Passage of S. 1132 will make a significant contribution toward the timely development of these resources while at the same time clarifying the responsibilities and obligations of the would-be developer utilizing a Federal dam.

Mr. President, I ask unanimous consent that the "Purpose" and "Background and Need" sections of the Committee Report (98-363) which accompanied S. 1132 when reported by the Senate Committee on Energy and Natural Resources on March 12 of this year, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. HENRY M. JACKSON, A U.S. SENATOR FROM THE STATE OF WASHINGTON

Mr. Chairman, I am pleased that we are having a hearing on S. 1132, a bill that I cosponsored along with you and Senator Murkowski.

As you know, I have long supported the development of our hydropower resources. Hydropower is clean, renewable, and relatively cheap. In addition, it is a domestic energy resource, immune from the vagaries of international politics. For these reasons, I think that we should take full advantage of the hydropower potential afforded by existing Federal dams.

S. 1132 would go a long way toward promoting hydropower development at existing Federal dams. Without restating the details of the bill, suffice it to say that the bill would provide certainty with respect to the amount of the Federal charge. Such certainty would improve the ability of non-Federal entities to make the financial decisions leading to hydropower development.

Mr. Chairman, I look forward to today's testimony, and hope that the Committee can consider this important measure in the near future.

PURPOSE

As ordered reported, S. 1132 would set a limit on the annual charge to be assessed a non-Federal entity for the use of a Government dam for the production of hydroelectric power. It also provides that the Federal Energy Regulatory Commission shall be the only Federal agency to assess such charge. In addition, the bill provides for payment of those costs to the United States resulting from such development, including the costs of any power facilities previously constructed by the United States which the non-Federal entity utilizes in the licensed project.

BACKGROUND AND NEED

The recently completed national hydroelectric power resources study conducted by the U.S. Army Corps of Engineers included examination of the potential for hydroelectric development at 516 Federal dams. Of the total, 168 already have hydroelectric generating facilities installed with a capacity of 32,000 megawatts. The potential capacity at the remaining 348 structures and the additional capacity at 55 of the struc-

tures where facilities already exist totals 13,500 megawatts. In terms of energy produced, there is a potential for 25 billion kilowatt-hours of electricity annually or the equivalent of 40 million barrels of oil each year.

An informal summary by the Commission of non-Federal development of hydroelectric power facilities at Federal dams indicates that 48 such licensees at Corps of Engineers dams and 20 at Bureau of Reclamation dams have been granted. There are presently pending before the Commission approximately 556 applications for non-Federal hydropower development at Federal facilities. Many of the existing licensees have successfully operated powerplant facilities at Federal dams for many years. However, in spite of the apparent interest and success of such non-Federal development, many would-be developers have expressed dismay at the complexity of the licensing process and the apparent overlap of authority between agencies of the Federal Government. The General Accounting Office, in a report issued September 26, 1980,[1] declared that "GAO found no consistent Federal policy concerning non-Federal development of hydropower at Federal dams."

Joint oversight hearings were held during the 97th Congress by the Subcommittee on Water and Power and the Subcommittee on Energy Regulation of the Senate Committee on Energy and Natural Resources to examine the problems surrounding hydroelectric development and licensing procedures. During the course of the hearing, two specific problems were identified with respect to non-Federal hydroelectric development at Federal dams. First, developers need clear guidelines to follow in estimating the annual charges which the Government would levy for the use of a Federal dam for hydroelectric project; second, there is a need to clarify, in regard to Bureau of Reclamation dams whether or not there could be a "double charge" for the use of the structure.

As introduced, S. 1132 sought to encourage the non-Federal development of hydroelectric resources at Federal dams by providing certainty with respect to the amount of the Federal charge for the use of the structure and also by clarifying which Federal agency would have the authority to establish and collect such a charge.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEVELOPMENTS IN AGING REPORT

The resolution (S. Res. 355) authorizing the printing of additional copies of volume 1 of the Senate report entitled "Developments in Aging: 1983," was considered, and agreed to as follows:

S. RES. 355

Resolved, That there shall be printed for the use of the Special Committee on Aging the maximum number of copies of volume 1 of its annual report to the Senate, entitled "Developments in Aging: 1983," which may be printed at a cost not to exceed $1,200.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPOSITORY LIBRARY SYSTEM

The resolution (S. Res. 359) to pay tribute to the Depository Library System was considered.

Mr. MATHIAS. Mr. President, the Nation will soon be celebrating National Library Week to recognize the vital public service that has characterized this Nation's libraries. In anticipation of that important event, I ask for immediate consideration of Calendar No. 730, Senate Resolution 359, honoring the depository library program. I am delighted to have my distinguished colleagues from the Joint Committee on Printing and the Joint Committee on the Library join me as cosponsors of this resolution.

The Senate of the United States has a long tradition of supporting the public's right to know about policies, programs, and actions of our Government. The Congressional Depository Library System is one of the oldest and most effective expressions of this philosophy.

This program dates back to the early 1800's when the Congress directed that the Journals of the Senate and the House be distributed to colleges, universities, and incorporated historical societies throughout the country. Through the years, Congress has expanded upon this concept and today there is a nationwide network of over 1,300 depository libraries that provide free and open access to all publications of the Federal Government. The Depository Library Act, which was most recently amended in 1978, provides for each Member of the Senate to designate two libraries in his or her State as regional depositories. In addition, every Member of the House of Representatives may designate two locations in their district as depository libraries.

This program is available to all citizens, and participating institutions range from the Enoch Pratt Free Library in Baltimore, Md., to the U.S. District Court Library in Anchorage, Alaska. Depository collections can be found at major universities, law schools, land grant colleges, and the National Library of Medicine. In 1983, some 40,000 titles were available for selection through the Government Printing Office on topics ranging from infant care and home gardening to the Statistical Almanac and the Federal Register. In short, Mr. President, the depository library program reaches all Americans and provides them with a broad range of information by and about their Federal Government.

In a letter to W. T. Barry, written in 1822, James Madison, the father of our Constitution, warned that:

A popular government without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy, or perhaps both. Knowledge will forever govern ignorance; and a people who mean to be their own governors must arm themselves with the power which knowledge gives.

Mr. President, this resolution will serve to reaffirm the commitment of the U.S. Senate to arm U.S. citizens with the power that knowledge gives.

Mr. WARNER. Mr. President, as a cosponsor of Senator Resolution 359, I want to congratulate the senior Senator from Maryland (Mr. MATHIAS) for bringing this resolution before the Senate.

As a member of the Joint Committee on the Library, and a former member of the Joint Committee on Printing, I am well aware of the outstanding service provided the American people by the depository library program.

Since the early 1800's the Senate has supported the public's right to know about the programs, actions, regulations, and policies of the Federal Government. Today, there are more than 1,300 depository libraries across the Nation providing free and easy access to our citizens of all Federal publications.

In Virginia, 37 libraries have been designated as depository libraries that allow the citizens of the Commonwealth free and open access. Depository libraries in Virginia are:

Alexandria: Department of the Navy, Office of Judge Advocate General Law Library.

Arlington: George Mason University School of Law Library.

Blacksburg: Virginia Polytechnic Institute & State University, Carol M. Newman Library.

Bridgewater: Bridgewater College Alexander Mack Memorial Library.

Charlottesville: University of Virginia Alderman Library, University of Virginia Arthur J. Morris Law Library.

Chesapeake: Chesapeake Public Library.

Danville: Danville Community College.

Emory: Emory and Henry College Kelly Library.

Fairfax: George Mason University Fenwick Library.

Fredericksburg: Mary Washington College E. Lee Trinkle Library.

Hampden-Sydney: Hampden-Sydney College Eggleston Library.

Hampton: Hampton Institute Huntington Memorial Library.

Harrisonburg: James Madison University Madison Memorial Library.

Hollins College: Hollins College Fishburn Library.

Lexington: Virginia Military Institute Preston Library, Washinton & Lee University, University Library, Washington & Lee University Wilbur C. Hall Law Library.

Martinsville: Patrick Henry Community College Library.

Norfolk: Norfolk Public Library; Old Dominion University Library; U.S. Armed Forces Staff College Library.

Petersburg: Virginia State University Johnston Memorial Library.

Quantico: Federal Bureau of Investigation Academy Library; Marine Corps Education Center, James Carson Breckinridge Library.

Reston: Department of the Interior, Geological Survey, National Center Library.

Richmond: U.S. Court of Appeals Fourth Circuit Library; University of Richmond Boatwright Memorial Library; University of Richmond Law School Library; Virginia Commonwealth University James Branch Cabell Library; Virginia State Law Library; Virginia State Library.

Roanoke: Roanoke Public Library.

Salem: Roanoke College Library.

Williamsburg: College of William and Mary Marshall-Wythe Law Library; College of William and Mary Swem Library.

Wise: Clinch Valley College John Cook Wyllie Library.

The resolution, Mr. President, pays tribute to these libraries and their dedicated personnel and, in fact, all individuals and libraries associated with the program.

It is fitting and proper that this resolution be enacted to coincide with the celebration of National Library Week held each year in April.

I urge my colleagues to support this resolution as a means of reaffirming our support of this program that insures public knowledge of their Government's actions in each and every congressional district in our land.

The resolution was agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. RES. 359

Whereas the United States Senate has recognized that citizens of America should have effective access to Government information throughout the country; and

Whereas the Congress of the United States has provided its citizens with free and open access to Government information through a Depository Library System that includes at least one depository library in each congressional district; and

Whereas depository libraries in a variety of categories, including public, academic, land grant, State, law school, and Federal libraries, have enthusiastically provided service and access to information to citizens across the country; and

Whereas the Nation celebrates National Library Week each year in the month of April to honor and recognize the fine public service that has always been characteristic of the libraries of America: Now, therefore, be it

Resolved, That the Senate pay tribute to depository libraries throughout the land and commend the many dedicated people associated with the depository library program for their significant contribution in furthering the cause of free and open public access to Government information.

SEC. 2. The Secretary of the Senate shall transmit copies of this resolution to the Public Printer of the United States, the president of the American Library Association and the president of the American Association of Law Libraries.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SEXUAL EXPLOITATION OF CHILDREN

Mr. STEVENS. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 566.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3635) to amend chapter 110 (relating to sexual exploitation of children) of title 18 of the United States Code, and for other purposes.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2873

Mr. STEVENS. Mr. President, on behalf of the distinguished Senator from Pennsylvania (Mr. SPECTER), I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. WILSON). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), on behalf of Mr. SPECTER, proposes an amendment numbered 2873.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Child Protection Act of 1984".

SEC. 2. The Congress finds that—

(1) child pornography has developed into a highly organized, multi-million-dollar industry which operates on a nationwide scale;

(2) thousands of children including large numbers of runaway and homeless youth are exploited in the production and distribution of pornographic materials; and

(3) the use of children as subjects of pornographic materials is harmful to the physiological, emotional, and mental health of the individual child and to society.

SEC. 3. Section 2251 of title 18 of the United States Code is amended—

(1) by striking out "visual or print medium" each place it appears and inserting "visual depiction" in lieu thereof;

(2) by striking out "depicting" each place it appears and inserting "of" in lieu therof;

(3) by striking out "person" each place it appears in subsection (c) and inserting "individual" in lieu thereof;

(4) by striking out "$10,000" and inserting "$100,000" in lieu thereof;

(5) by striking out "$15,000" and inserting "$200,000" in lieu thereof; and

(6) by adding at the end of subsection (c) the following: "Any organization which violates this section shall be fined not more than $250,000.".

SEC. 4. Section 2252 of title 18 of the United States Code is amended—

(1) by striking out ", for the purpose of sale or distribution for sale";

(2) by striking out "for the purpose of sale or distribution for sale" the second place it appears;

(3) by striking out "obscene" each place it appears;

(4) by striking out "visual or print medium" each place it appears and inserting "visual depiction" in lieu thereof;

(5) by striking out "depicts" each place it appears and inserting "is of" in lieu thereof;

(6) by striking out "or knowingly sells or distributes for sale" and inserting in lieu thereof "or distributes";

(7) by inserting after "mailed" the following: "or knowingly reproduces any visual depiction for distribution in interstate or foreign commerce or through the mails";

(8) by striking out "person" each place it appears in subsection (b) and inserting "individual" in lieu thereof;

(9) by striking out "$10,000" and inserting "$100,000" in lieu thereof;

(10) by striking out "$15,000" and inserting "$200,000" in lieu thereof; and

(11) by adding at the end of subsection (b) the following: "Any organization which violates this section shall be fined not more than $250,000.".

SEC. 5. (a) Section 2253 of title 18 of the United States Code is amended—

(1) in paragraph (1) by striking out "sixteen" and inserting "eighteen" in lieu thereof;

(2) by striking out "sado-masochistic" and inserting "sadistic or masochistic" in lieu thereof;

(3) by striking out "(for the purpose of sexual stimulation)"; and

(4) by striking out "lewd" and inserting "lascivious" in lieu thereof;

(5) by striking out ", for pecuniary profit"; and

(6) by amending paragraph (4) to read as follows:

"(4) 'organization' means a person other than an individual.

(b) Section 2253 of title 18 of the United States Code, as amended by subsection (a) is redesignated as section 2255.

SEC. 6. Chapter 110 of title 18 of the United States Code is amended by inserting after section 2252 the following:

"§ 2253. Criminal forfeiture

"(a) A person who is convicted of an offense under section 2251 or 2252 of this title shall forfeit to the United States such person's interest in—

"(1) any property constituting or derived from gross profits or other proceeds obtained from such offense; and

"(2) any property used, or intended to be used, to commit such offense.

"(b) In any action under this section, the court may enter such restraining orders or take other appropriate action (including acceptance of performance bonds) in connection with any interest that is subject to forfeiture.

"(c) The court shall order forfeiture of property referred to in subsection (a) if the trier of fact determines, beyond a reasonable doubt, that such property is subject to forfeiture.

"(d)(1) Except as provided in paragraph (3) of this subsection, the customs laws re-

lating to disposition of seized or forfeited property shall apply to property under this section, if such laws are not inconsistent with this section.

"(2) In any disposition of property under this section, a convicted person shall not be permitted to acquire property forfeited by such person.

"(3) The duties of the Secretary of the Treasury with respect to dispositions of property shall be performed under paragraph (1) of this subsection by the Attorney General, unless such duties arise from forfeitures effected under the customs laws.

"§ 2254. Civil forfeiture

"(a) The following property shall be subject to forfeiture by the United States:

"(1) Any material or equipment used, or intended for use, in producing, reproducing, transporting, shipping, or receiving any visual depiction in violation of this chapter.

"(2) Any visual depiction produced, transported, shipped, or received in violation of this chapter, or any material containing such depiction.

"(3) Any property constituting or derived from gross profits or other proceeds obtained from a violation of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(b) All provisions of the customs law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, insofar as applicable and not inconsistent with the provisions of this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer.".

SEC. 7. The table of sections at the beginning of chapter 110 of title 18 of the United States Code is amended—

(1) by inserting after the item relating to section 2252 the following new items:

"2253. Criminal forfeiture.
"2254. Civil forfeiture."; and

(2) by redesignating the item relating to section 2253 as 2255.

SEC. 8. Section 2516(1)(c) of title 18 of the United States Code is amended by inserting "sections 2251 and 2252 (sexual exploitation of children)," after "section 664 (embezzlement from pension and welfare funds),".

SEC. 9. Beginning one hundred and twenty days after the date of enactment of this Act, and every year thereafter, the Attorney General shall report to the Congress on prosecutions, convictions, and forfeitures under chapter 110 of title 18 of the United States Code.

Mr. SPECTER. Mr. President, today I offer an amendment in the nature of a substitute to H.R. 3635, a bill to amend Federal laws prohibiting the production or distribution of child pornography. On July 16, 1983, the Senate passed a bill which I sponsored, S. 1469, which contained similar provisions to strengthen Federal laws outlawing child pornography. The purpose of the amendment which I am offering today is to resolve the differences between H.R. 3635, as originally passed by the House on November 14, 1983, and S. 1469 as passed by the Senate.

In working through the differences between the two bills, we, the principal sponsors of both bills—Senator GRASSLEY and I for the Senate and Mr. HUGHES and Mr. SAWYER for the House of Representatives—retained those provisions which would provide for the toughest laws to stop the sexual exploitation and abuse of children. As a result, I am confident that this amendment offers the best of both bills.

Specifically, this substitute amendment would make the following changes in current law:

First. Under current law, only materials produced or distributed for commercial purposes are unlawful. This bill eliminates the commercial purpose requirement;

Second. Under current law, distribution of materials depicting children in sexually explicit poses is unlawful only if the materials are proven to be legally obscene. This bill removes the obscenity requirement;

Third. This bill raises the fines for violation from the current levels of $10,000 for a first offense to $100,000 and $15,000 for a second offense to $200,000. The bill also adds a $250,000 fine for organizations which violate the law;

Fourth. Current law defines a minor as any person under age 16. This bill would extend that definition to include children under age 18;

Fifth. This bill also contains a provision to make it clear that the knowing reproduction of materials depicting children in sexually explicit poses is unlawful;

Sixth. This bill would add for the first time both criminal and civil forfeiture provisions. These are intended to insure that the profit is removed from child pornography; and

Seventh. This bill would also amend the Federal wiretapping statute to include child pornography as a crime for which Federal investigators may obtain authority to utilize a wiretap.

The amendment which I am offering also makes two changes in the definition of sexually explicit conduct. First, our new provision would amend the definition of sexually explicit conduct by deleting "sado-masochistic abuse (for the purpose of sexual stimulation)" and inserting instead "sadistic or masochistic abuse." The substitution was made to broaden the scope of the act.

Sado-masochistic abuse occurs when both sadistic and masochistic actions are involved. The Psychiatric Dictionary defines sado-masochism as "a condition of combined sadism and masochism: coexistence of submissive and aggressive attitude in social and sexual relations to the other person with a considerable degree of destructiveness present; . . ." (P. 560.) In other words, sado-masochistic abuse exists when both a pain inflictor and a pain recipient are involved. Sadism, on the other hand, has been defined as "a state in which the sexual impulse is manifested as a tendency to strike, misuse, or humiliate the love object." (Psychiatric Dictionary, p. 559.) "Masochism" represents the reverse side, and occurs when "sexual satisfaction depends upon the subject himself suffering pain, ill-treatment, and humiliation." (Psychiatric Dictionary, p. 370.)

With this amendment, the law will clearly prohibit the production and interstate distribution of material which visually depicts a minor engaging in sadistic abuse, masochistic abuse, or both.

Second, this amendment would replace the current law's prohibition of the "lewd exhibition of the genitals" with a prohibition against the "lascivious exhibition of the genitals." "Lewd" has in the past been equated with "obscene"; this change is thus intended to make it clear that an exhibition of a child's genitals does not have to meet the obscenity standard to be unlawful.

I first became involved with the effort to toughen our Federal laws against child pornography in November 1981 when the Subcommittee on Juvenile Justice, which I chair, began a series of hearings examining the sexual exploitation of children. When our independent study suggested that the commercial purpose requirement in current law posed an impediment to arrests and prosecutions of those who produce and distribute pornographic depictions of children, the subcommittee requested testimony on this point from the relevant Federal authorities.

The testimony offered on behalf of the FBI by Dana E. Caro of the Criminal Investigative Division verified the finding of the subcommittee investigation.

I ask unanimous consent to have an excerpt printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[T]he FBI has determined that a clandestine subculture exists in the United States which is functioning in violation of the child pornography and sexual exploitation of children statutes. This culture is involved in recruiting and transporting minors for sexual exploitation and investigation has revealed that this culture is very difficult to penetrate. It has been determined that the largest percentage of child pornography

available in the United States today was originally produced for the self-gratification of the members of this culture and was not necessarily produced for any commercial purpose. Pedophiles maintain correspondence and exchange sexual explicit photographs with other members of this subculture and often establish contact with each other through "swinger" type magazines and newspapers which act as mail forwarding services for the readers. FBI investigations have revealed the commercial photographers and major distributors pose as members of this subculture and obtain free of charge the sexually explicit photographs of minor children. As a result, many of the photographs taken for private use and obtained by these commercial photographers and pornographic distributors subsequently appear in child pornography magazines which have wide commercial distribution. Neither the child posing for the picture nor the photographer receive any payment from these commercial photographers or major distributors. Therefore, the FBI's effectiveness in combatting child pornography and the sexual exploitation of children at the grass roots has been seriously impaired by the pecuniary interest requirement contained in title 18, U.S. Code, section 2251 and 2252.

Mr. SPECTER. Mr. President, this legislation also reflects the Supreme Court's July 2, 1982, decision in New York against Ferber. In that case, the Supreme Court ruled that the compelling State interest in safeguarding the physical and psychological well-being of children constitutionally justified the prohibition of nonobscene sexually explicit photographs of children.

This legislation will make it clear that Federal law enforcement authorities will not tolerate any interstate production or distribution of any materials which visually depict children in sexually explicit poses. It is my hope that this new Federal effort will encourage the States to toughen their own child pornography laws.

In closing, I would like to take this opportunity to commend my colleagues in the Senate and House of Representatives for their dedication and concerted actions taken to protect children from sexual exploitation. Most notably, I extend my appreciation to the other principal sponsor of S. 1469, Senator GRASSLEY, for his legislative leadership in this area, to Senator DENTON for his inclusion of the civil and criminal forfeiture provisions in the bill, and to Senator THURMOND, who as chairman of the Senate Judiciary Committee, expedited the passage of this legislation. I would also like to thank Congressmen HUGHES and SAWYER for their parallel efforts to enact child pornography legislation in the House of Representatives and their cooperation with us in the Senate to successfully resolve the differences between the two versions.

Mr. THURMOND. Mr. President, I rise today, as I did on July 22 of last year, to speak in support of legislation that would add new strength to the laws prohibiting the vile practice and social tragedy we know as child pornography. On that day, I rose to offer an amendment to S. 1469, the Sexual Exploitation of Children Act of 1983, that would include the crime of producing or dealing with child pornography in that list of offenses for which court-ordered electronic surveillance would be allowed. I offered that amendment and was an original sponsor of the bill because I felt the Federal Government should have the strongest means available to combat an industry which I have described as "a tragic curse upon this proud Nation and a scourge that cannot be tolerated."

Thanks primarily to the hard work of Senators SPECTER, GRASSLEY, and DENTON, S. 1469 was intended to close the loopholes in the current Federal law that allowed this industry to thrive. In addition to closing these loopholes, the thrust of S. 1469 was to remove any monetary incentive to engage in child pornography by providing for substantial increases in existing fines and for providing for both civil and criminal forfeiture for violations of the laws. The Sexual Exploitation of Children Act was favorably reported by the Committee on the Judiciary and later enjoyed the unanimous support of the Senate.

Today I am speaking in support of similar legislation in the hope that we can put an end to the "kiddy-porn" industry once and for all. I am delighted to join with my three distinguished colleagues from the Judiciary Committee in offering this amendment to H.R. 3635, the House-passed, Child Protection Act of 1983. This legislation, like S. 1469, is a legislative response to the landmark case of Ferber against New York, where the Court held that the exploitation and well-being of the child, rather than the obscenity of the materials themselves, was of paramount importance in determining the validity of any statutory bans.

The substitute amendment we offer today is the result of many hours of hard work and compromise with Members of the House of Representatives. This amendment will make H.R. 3635, like S. 1469, the most effective and constitutionally valid deterrent to those who would sexually exploit our youth for profit by combining the strongest parts of both bills. The result will be a noble accomplishment by both Houses of Congress. I might take a moment to commend Ms. Mary Louise Westmoreland, chief counsel of the Subcommittee on Juvenile Justice, and Ms. Linda Nersesian, chief counsel of the Subcommittee on Administrative Practice and Procedure, for their staff role in the negotiations and for their dedicated hard work to this cause.

Mr. President, I now urge my colleagues to accept this amendment and pass as modified, H.R. 3635, the Child Protection Act of 1983, so that its enactment can put the teeth back into laws intended to end this continuing tragedy.

Mr. STEVENS. Mr. President, I ask that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2873) was agreed to.

Mr. DOLE. Mr. President, I welcome this opportunity to support this legislation, which takes aim at the exploiters of our youth. I have been an active proponent of legislative proposals introduced in this Congress to more effectively combat child pornography and have worked closely with Senators SPECTER and GRASSLEY in developing a bill that will serve to strengthen existing law.

As a cosponsor of the Senate-passed bill toughening Federal laws applicable to child pornography, I have examined the substitute legislation before us and determined that it combines the strongest provisions of both bills. In particular, I am pleased to note that this legislation contains provisions raising the age of minority from 16 to 18, increasing individual sanctions, and providing for an "organization" sanction, and allowing court-ordered wiretaps in order to lift the traditional veil of secrecy surrounding the sexual exploitation of minors.

According to testimony from the Department of Justice, since May of 1977, only 67 persons have been indicted under all available obscenity statutes, including obscenity statutes which are not limited to child pornography. Yet the findings of the bill before us are that "thousands of children, including large numbers of runaway and homeless youth, are exploited in the production and distribution of pornographic materials."

Mr. President, it does not take unusual reasoning power to identify that there is no correlation between the numbers of cases being prosecuted and the numbers of children being exploited. It is my hope that this legislation, combined with the Supreme Court's decision in New York against Ferber, will prompt more successful prosecutions of child pornographers.

The Senator from Kansas is confident that there is no need to impress upon my colleagues the importance of maintaining strong safeguards to protect our children from the fear of being sexually abused and exploited. It goes without saying that those children who do become victims of pornographic depictions suffer physical, emotional, and psychological damage, and are often scarred for life. Studies have indicated that sexually abused and exploited children are incapable of developing normal relationships

later on in life and have a tendency to become sexually abusive themselves. We need to act now to protect our children and future generations of children from this intolerable crime of exploitation for profit.

The legislation before us marks a positive step toward curbing the growth of the billion-dollar child pornography industry in this country. Mr. President, 1982 marked the "Year of the Child" in America. Let us hope that, through this legislation, we can make this the year that we made that promise good both in fact and in theory. I urge all of my colleagues to support this legislation.

Mr. GRASSLEY. Mr. President, we have before us a landmark in Federal efforts to eradicate child pornography. Taking its lead from the Supreme Court's 1982 decision in New York against Ferber, this bill outlaws the distribution of all child pornography—not simply that which is technically "obscene." The Court recognized in Ferber that the need to protect our children from sexual exploitation far outweighs the need of exploiters to first amendment protection, and the bill before us writes that conclusion into law.

Due to the outstanding efforts of Senator SPECTER, Senator DENTON, and of course the distinguished chairman, Senator STROM THURMOND, as well as Congressmen HUGHES and SAWYER, we have before us a compromise measure that shields as effectively as possible those children vulnerable to sexual exploitation. This bill was agreed to after much deliberation as to what standards would both protect children and pass constitutional muster.

I. LEGISLATIVE HISTORY PERTAINING TO S. 1469

In response to the Ferber decision, two bills were introduced and referred to the Senate Judiciary Committee in the last session of Congress. The bill that I introduced, S. 29, was identical to one which passed the Senate as part of the Violent Crime and Drug Enforcement Act in the latter part of the 97th Congress.

I reintroduced that bill on January 26, and later introduced another bill, S. 1240, which increased criminal penalties and raised the maximum age for children protected by the act to 18 from 16 in the current law. Senators THURMOND, DENTON, DOLE, LAXALT, HATCH, EAST, DECONCINI, HEFLIN, JEPSEN, KASTEN, RANDOLPH, DOMENICI, HUDDLESTON, WARNER, and NICKLES joined me in cosponsoring that bill.

As originally introduced, Senator SPECTER's bill, S. 57, significantly strengthened certain provisions but nevertheless contained a number of exceptions to prosecution. The bill originally contained a defense that would not restrain the distribution or production of materials involving minors if the materials contain "serious literary, artistic, scientific, social or eductional value." A specific exemption also existed in the original S. 57, and the version reported by the Juvenile Justice Subcommittee for mediums depicting children masturbating if that medium was "an integral portion of a work possessing serious scientific or educational value." I want to emphasize here today that these exemptions were dropped from S. 1469, which passed the Senate on July 16, 1983. No similar provisions were adopted in the legislation currently before us.

II. LEGISLATIVE HISTORY PERTAINING TO THE BILL BEFORE US

It should be noted that the legislation before us forges the strongest combination of the Senate and House bills possible. During discussions that Senator SPECTER and I had with Congressmen SAWYER and HUGHES, we ironed out two provisions in particular: one dealing with depictions of a sado-masochistic nature and the other having to do with simulated portrayals.

A. SADO-MASOCHISTIC DEPICTIONS

The Senate passed bill, S. 1469, deleted the parenthetical "for the purpose of sexual stimulation" from the current description of sado-masochistic abuse at 18 U.S.C. 22253(D). This parenthetical was struck because it was regarded as confusing since no other prohibited conduct under the definition of "sexually explicit conduct" was so narrowly construed. I believe that inclusion of the parenthetical in a courtroom situation would invite an array of psychiatrists into the trial to speculate as to whether the sado-masochistic materials were "sexually stimulating." I believe that we want to avoid that possibility and that we do avoid this possibility by eliminating the potential loophole.

The definition has been altered to reflect that the prohibited conduct is "sadistic or masochistic abuse" as opposed to "sado-masochistic abuse for the purpose of sexual stimulation." In making this change, any accompanying legislative history must and it is our resolve that it reflect intent in altering the act is to broaden the scope of the act. As amended, the substitute prohibits the production and interstate distribution of material which visually depicts a minor engaging in either sadistic abuse, masochistic abuse, or both.

B. TREATMENT OF SIMULATED CONDUCT

H.R. 3635 contains an explicit exemption for simulations of sexually explicit conduct "if there is no possibility of harm to the minor, taking into account the nature and circumstances of the simulation, and there is redeeming social, literary, educational, scientific, or artistic value."

The substitute before us preserves current law as it relates to simulations of sexual conduct. Hence, sexually explicit conduct is defined as actual or simulated conduct that utilizes any of the probibited depictions delineated in 18 U.S.C. 2253. This preservation, in our opinion, discourages imaginative pornographers from discovering significant loopholes.

The bill before us is in keeping with the Supreme Court decision in Ferber, which addressed and assessed the potential need for blanket exemptions to prosecution and concluded:

> A 12-year-old child photographed while masturbating surely suffers the same psychological harm whether the community labels the photograph "edifying" or "tasteless." The audience's appreciation of the depiction is simply irrelevant to New York's asserted interest in protecting children from psychological, emotional, and mental harm . . . An exception for depictions of serious social value, moreover, would actually increase opportunities for the content-based censorship disfavored by the First Amendment.

All of us recognize that this bill marks only the beginning of heightened efforts to abolish child pornography. The true test of its effectiveness remains in the hands of our Federal law enforcement personnel and prosecutors. Let us hope that through this legislation we will have armed them adequately.

(By request of Mr. STEVENS, the following statement was ordered to be printed in the RECORD:)

● Mr. DENTON. Mr. President, the American people are rightly outraged at the ruthlessness and moral decadence of child pornographers. The Senate shortly will approve legislation that will allow prosecution of the people who exploit and abuse children for profit and perversion. I commend Senators SPECTER and GRASSLEY for working quickly and efficiently to prepare and propose the legislative corrections that we will approve today. I also want to acknowledge Senator THURMOND, the able chairman of the Judiciary Committee, for his great capabilities and leadership in this important area.

The legislation is based upon the Ferber decision, which recognized that the business of manipulating and seducing children for the camera is not free speech protected by the first amendment. Rather, it is an attack on the family, an attack that victimizes the most vulnerable member of the family, and leaves a trail of destroyed young lives in its wake.

The footnotes of the Ferber decision illustrate that child pornography has become a multimillion-dollar industry operating on a nationwide scale. One researcher has documented at least 260 different magazines that depict children engaging in sexually explicit conduct. Each magazine, each photo session, is an attack on an individual child.

To whom will those children turn? What emotional scars will they carry for life?

Mr. President, it seems that each day we learn about new horrors such as the serial murders of children by pedophiles who kidnap, sexually abuse, and murder at will, such as the forced prostitution of children, and even the exporting of children to other countries for a life of sexual imprisonment. Virtually every time one of those crimes occurs, child pornography is a factor. We must find ways under the law to make those activities so unprofitable that the child exploiters cannot continue their activities.

The legislation comes before us when we are in the shadow of yet another news account of tragic child abuse. In California, employees at a child care center were in fact perverted exploiters of the children entrusted to their care. The children were psychologically tormented and threatened into submission to the illegal and pornographic activities.

I suggested that one way to help achieve better law enforcement was to include forfeiture provisions in the legislation. The provisions that the bill contains will allow the Attorney General to go after the assets and profits of the enterprise used to produce the illegal material.

The bill includes a reporting section that requires the Department of Justice to inform Congress about the record of prosecutions. We hope for and anticipate that some of the known child molesting organizations will be prosecuted for their criminal activities.

I thank Senators GRASSLEY and SPECTER for adopting my suggestion. I commend them for their diligence and for their commitment to an important piece of legislation. Chairman THURMOND, the distinguished Senator from South Carolina, is to be commended for the leadership he has shown in this important law enforcement area.●

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Child Protection Act of 1984".

SEC. 2. The Congress finds that—

(1) child pornography has developed into a highly organized, multi-million-dollar industry which operates on a nationwide scale;

(2) thousands of children including large numbers of runaway and homeless youth are exploited in the production and distribution of pornographic materials; and

(3) the use of children as subjects of pornographic materials is harmful to the physiological, emotional, and mental health of the individual child and to society.

SEC. 3. Section 2251 of title 18 of the United States Code is amended—

(1) by striking out "visual or print medium" each place it appears and inserting "visual depiction" in lieu thereof;

(2) by striking out "depicting" each place it appears and inserting "of" in lieu thereof;

(3) by striking out "person" each place it appears in subsection (c) and inserting "individual" in lieu thereof;

(4) by striking out "$10,000" and inserting "$100,000" in lieu thereof;

(5) by stiking out "$15,000" and inserting "$200,000" in lieu thereof; and

(6) by adding at the end of subsection (c) the following "Any organization which violates this section shall be fined not more than $250,000.".

SEC. 4. Section 2252 of title 18 of the United States Code is amended—

(1) by striking out ", for the purpose of sale or distribution for sale";

(2) by strking out "for the purpose of sale or distribution for sale" the second place it appears;

(3) by striking out "obscene" each place it appears;

(4) by striking out "visual or print medium" each place it appears and inserting "visual depiction" in lieu thereof;

(5) by striking out "depicts" each place it appears and inserting "is of" in lieu thereof;

(6) by striking out "or knowingly sells or distributes for sale" and inserting in lieu thereof "or distributes";

(7) by inserting after "mailed" the following: "or knowingly reproduces any visual depiction for distribution in interstate or foreign commerce or through the mails";

(8) by striking out "person" each place it appears in subsection (b) and inserting "individual" in lieu thereof;

(9) by striking out "$10,000" and inserting "$100,000" in lieu thereof;

(10) by striking out "$15,000" and inserting "$200,000" in lieu thereof; and

(11) by adding at the end of subsection (b) the following: "Any organization which violates this section shall be fined not more than $250,000.".

SEC. 5. (a) Section 2253 of title 18 of the United States Code is amended—

(1) in paragraph (1), by striking out "sixteen" and inserting "eighteen" in lieu thereof;

(2) by striking out "sado-masochistic" and inserting "sadistic or masochistic" in lieu thereof;

(3) by striking out "(for the purpose of sexual stimulation)"; and

(4) by striking out "lewd" and inserting "lascivious" in lieu thereof;

(5) by striking out ", for pecuniary profit"; and

(6) by amending paragraph (4) to read as follows:

(4) 'organization' means a person other than an individual.

(b) Section 2253 of title 18 of the United States Code, as amended by subsection (a) is redesignated as section 2255.

SEC. 6. Chapter 110 of title 18 of the United States Code is amended by inserting after section 2252 the following:

"§ 2253. Criminal forfeiture

"(a) A person who is convicted of an offense under section 2251 or 2252 of this title shall forfeit to the United States such person's interest in—

"(1) any property constituting or derived from gross profits or other proceeds obtained from such offense; and

"(2) any property used, or intended to be used, to commit such offense.

"(b) In any action under this section, the court may enter such restraining orders or take other appropriate action (including acceptance of performance bonds) in connection with any interest that is subject to forfeiture.

"(c) The court shall order forfeiture of property referred to in subsection (a) if the trier of fact determines, beyond a reasonable doubt, that such property is subject to forfeiture.

"(d)(1) Except as provided in paragraph (3) of this subsection, the customs laws relating to disposition of seized or forfeited property shall apply to property under this section, if such laws are not inconsistent with this section.

"(2) In any disposition of property under this section, a convicted person shall not be permitted to acquire property forfeited by such person.

"(3) The duties of the Secretary of the Treasury with respect to dispositions of property shall be performed under paragraph (1) of this subsection by the Attorney General, unless such duties arise from forfeitures effected under the customs laws.

"§ 2254. Civil forfeiture

"(a) The following property shall be subject to forfeiture by the United States:

"(1) Any material or equipment used, or intended for use, in producing, reproducing, transporting, shipping, or receiving any visual depiction in violation of this chapter.

"(2) Any visual depiction produced, transported, shipped, or received in violation of this chapter, or any material containing such depiction.

"(3) Any property constituting or derived from gross profits or other proceeds obtained from a violation of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(b) All provisions of the customs law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, insofar as applicable and not inconsistent with the provisions of this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer.".

SEC. 7. The table of sections at the beginning of chapter 110 of title 18 of the United States Code is amended—

(1) by inserting after the item relating to section 2252 the following new items:

"2253. Criminal forfeiture.
"2254. Civil forfeiture."; and

(2) by redesignating the item relating to section 2253 as 2255.

SEC. 8. Section 2516(1)(c) of title 18 of the United States Code is amended by inserting

"sections 2251 and 2252 (sexual exploitation of children)," after "section 664 (embezzlement from pension and welfare funds),".

SEC. 9. Beginning one hundred and twenty days after the date of enactment of this Act, and every year thereafter, the Attorney General shall report to the Congress on prosecutions, convictions, and forfeitures under chapter 110 of title 18 of the United States Code.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEEP WATER PORT ACT AMENDMENTS

Mr. STEVENS. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 686, S. 1546.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1546) to amend the Deep Water Port Act of 1974, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Deepwater Port Act Amendments of 1983".

AMENDMENT, TRANSFER, OR RENEWAL OF LICENSE

SEC. 2. (a) Section 3(4) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(4)) is amended to read:

"(4) 'application' means an application submitted under this Act for a license for the ownership, construction, and operation of a deepwater port;".

(b) Section 4(b) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(b)) is amended to read:

"(b)" The Secretary may—

"(1) on application, issue a license for the ownership, construction, and operation of a deepwater port; and

"(2) on petition of the licensee, amend, transfer, or reinstate a license issued under this Act.".

(c) Section 4(f) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(f)) is amended to read:

"(f) The Secretary may amend, transfer, or reinstate a license issued under this Act if the amendment, transfer, or reinstatement is consistent with the findings made at the time the license was issued.".

(d) Section 4(h) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(h)) is amended to read:

"(h) A license issued under this Act remains in effect unless suspended or revoked by the Secretary or until surrendered by the licensee.".

(e) Section 4(e)(1) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(e)(1)) is amended by inserting at the end thereof: "On petition of a licensee, the Secretary shall review any condition of a license issued under this Act to determine if that condition is uniform, insofar as practicable, with the conditions of other licenses issued under this Act, reasonable, and necessary to meet the objectives of this Act. The Secretary shall amend or rescind any condition that is no longer necessary or otherwise required by any Federal department or agency under this Act.".

(f) The first sentence of section 5(g) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(g)) is amended by striking "issued, transferred, or renewed" and inserting "issued".

(g) The first sentence of section 7(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1506(a)) is amended by striking "issue, transfer, or renew" and inserting "issue".

(h) Section 7(b)(1) of the Deepwater Port Act of 1974 (33 U.S.C. 1506(b)(1)) is amended:

(1) by striking the first sentence and inserting: "The Secretary shall transmit promptly to the Attorney General and the Federal Trade Commission a complete copy of each application for issuance of a license or a petition for the amendment, transfer, or reinstatement of a license that is received."; and

(2) in the second sentence, by inserting immediately after the word "hearing" the phrase "on license application".

ECONOMIC DEREGULATION

SEC. 3. (a) Section 8 of the Deepwater Port Act of 1974 (33 U.S.C. 1507) is amended to read:

"SEC. 8. (a) A deepwater port and a storage facility serviced directly by that deepwater port shall operate as a common carrier under applicable provisions of part I of the Interstate Commerce Act and subtitle IV of title 49, United States Code, except as provided by subsection (b) of this section.

"(b) A licensee under this Act shall accept, transport, or convey without discrimination all oil delivered to the deepwater port with respect to which its license is issued. However, a licensee is not subject to common carrier regulations under subsection (a) of this section when that licensee—

"(1) is subject to effective competition for the transportation of oil from alternative transportation systems; and

"(2) sets its rates, fees, charges, and conditions of service on the basis of competition, giving consideration to other relevant business factors such as the market value of services provided, licensee's cost of operation, and the licensee's investment in the deepwater port and a storage facility, and components thereof, serviced directly by that deepwater port.

"(c) When the Secretary has reason to believe that a licensee is not in compliance with this section, the Secretary shall commence an appropriate proceeding before the Federal Energy Regulatory Commission or request the Attorney General to take appropriate steps to enforce compliance with this section and, when appropriate, to secure the imposition of appropriate sanctions. In addition, the Secretary may suspend or revoke the license of a licensee not complying with its obligations under this section.".

SUSPENSION OF FEE COLLECTION AND SUBROGATION

SEC. 4. (a) Section 18 of the Deepwater Port Act of 1974 (33 U.S.C. 1517) is amended as follows:

(1) In the first sentence of subsection (d), following the words "deepwater port" the first time they appear, insert "while located in the safety zone".

(2) In subsection (f)(3), strike the third and fourth sentences and insert: "These collections shall cease after the date of enactment of the Deepwater Port Act Amendments of 1983, unless there are adjudicated claims against the Fund to be satisfied. The Secretary may order the collection of the fee to be resumed when the unobligated balance of the Fund as reduced by the unliquidated debts to the United States Treasury is less than $4,000,000. Any collection of fees ordered by the Secretary under the preceding sentence shall cease whenever the unobligated balance of the Fund as reduced by the unliquidated debts to the United States Treasury exceeds $4,000,000. The Fund may borrow from the United States Treasury at an interest rate to be determined by the Secretary of the Treasury amounts sufficient to maintain the available balance in the Fund at $4,000,000.".

(3) In the seventh sentence of subsection (f)(3), after the word "than", insert "the amount the Secretary determines is needed to draw upon under subsection (c)(3) of this section or".

(4) In the ninth sentence of subsection (f)(3), after the word "needed", insert "to draw upon under subsection (c)(3) of this section or".

(5) In subsection (h)(2), insert at the end thereof: "In that event, the owner and operator of the vessel are jointly and severally liable for cleanup costs and damages resulting from that discharge in the same manner and to the same extent as under subsection (d) of this section.".

(6) In subsection (h)(3), insert at the end thereof: "When the Fund under this subsection is subrogated to the right of any person entitled to recovery against the owner or operator of a vessel, that owner and operator are jointly and severally liable for cleanup costs and damages resulting from that discharge in the same manner and to the same extent as under subsection (d) of this section.".

RELATIONSHIP TO OTHER LAWS

SEC. 5. (a) Section 19(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1518(a)) is amended by adding at the end thereof:

"(3) The Secretary of State shall notify the government of each foreign state having vessels registered under its authority or flying its flag which may call at or otherwise utilize a deepwater port but which do not currently have an agreement in effect as provided in subsection (c)(2)(A)(i) of this section that the United States intends to exercise jurisdiction over vessels calling at or otherwise utilizing a deepwater port and the persons on board such vessels. The Secretary of State shall notify the government of each such state that, absent its objection, its vessels will be subject to the jurisdiction of the United States whenever they—

"(A) are calling at or otherwise utilizing a deepwater port; and

"(B) are within the safety zone of such a deepwater port and are engaged in activities connected, associated, or potentially interfering with the use and operation of the deepwater port.

The Secretary of State shall promptly inform licensees of deepwater ports of all objections received from governments of foreign states in response to notification made under this paragraph.".

(b) Section 19(c) of the Deepwater Port Act of 1974 (33 U.S.C. 1518(c)) is amended to read:

"(c)(1) The jurisdiction of the United States shall apply to vessels of the United States and persons on board such vessels. The jurisdiction of the United States shall also apply to vessels, and persons on board such vessels, registered in or flying the flags of foreign states, whenever such vessels are—

"(A) calling at or otherwise utilizing a deepwater port; and

"(B) are within the safety zone of such a deepwater port, and are engaged in activities connected, associated, or potentially interfering with the use and operation of the deepwater port.

The jurisdiction of the United States under this paragraph shall not, however, apply to vessels registered in or flying the flag of any foreign state that has objected to the application of such jurisdiction.

"(2) Except in a situation involving force majeure, a licensee shall not permit a vessel registered in or flying the flag of a foreign state to call at or otherwise utilize a deepwater port licensed under this Act unless—

"(A)(i) the foreign state involved, by specific agreement with the United States, has agreed to recognize the jurisdiction of the United States over the vessels registered in or flying the flag of that state and persons on board such vessels in accordance with the provisions of paragraph (1) of this subsection, while the vessel is located within the safety zone, or

"(ii) the foreign state has not objected to the application of the jurisdiction of the United States to any vessel, or persons on board such vessel, while the vessel is located within the safety zone; and

"(B) the vessel owner or operator has designated an agent in the United States for receipt of service of process in the event of any claim or legal proceeding resulting from activities of the vessel or its personnel while located within such a safety zone.

"(3) For purposes of paragraph (2)(A)(ii) of this subsection, a licensee shall not be obliged to prohibit a call at or use of a deepwater port by a vessel registered in or flying the flag of an objecting state unless the licensee has been informed by the Secretary of State as required by subsection (a)(3) of this section.".

(c) The amendment made by subsection (b) of this section shall be effective on the ninetieth day following the date of enactment of this Act. The Secretary of State shall make the first series of notifications referred to in section 19(a)(3) of the Deepwater Port Act of 1974, as added by subsection (a) of this section, prior to the thirtieth day following the date of enactment of this Act.

AMENDMENT NO. 2874

Mr. STEVENS. Mr. President, on behalf of Senator PACKWOOD, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) on behalf of Mr. PACKWOOD proposes an amendment numbered 2874.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, line 7, strike "$4,000,000.'." and insert in lieu thereof "$4,000,000, but only to such extent and in such amounts as are provided in advance in appropriation Acts. Such amounts shall remain available until expended.'.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2874) was agreed to.

Mr. LONG. Mr. President, I strongly support the passage of S. 1546, introduced by my colleague from Louisiana and which I have cosponsored. This legislation will serve to make needed changes in the 1974 Deepwater Port Act, which provides the authority for the construction and regulation of deepwater, offshore ports.

Since the enactment of the deepwater port bill in 1974, only one port has been constructed under the terms of the act. That facility, the Louisiana Offshore Oil Port (LOOP), may indeed be the only port ever constructed under the act because of a move away from the use of supertankers to import oil into the United States.

The LOOP facility began receiving oil in May 1981, and has provided the first actual operating experience under the Deepwater Port Act. The amendments embodied in S. 1546 are based on this experience which has shown that some of the restrictions imposed by the act are unnecessary, unduly burdensome and have jeopardized LOOP's ability to compete with conventional ports and carriers.

S. 1546 was reported favorably by the Committee on Commerce, Science, and Transportation based on testimony received from LOOP. The Louisiana Offshore Terminal Authority and the U.S. Department of Transportation. I am confident that this bill addresses the operating needs of LOOP, while preserving the basic safeguards of the original Deepwater Port Act.

Mr. President, deepwater ports, such as LOOP, offer a number of economic and environmental advantages for the Nation. Passage of S. 1546 is necessary to preserve the viability of these facilities by easing some of the restrictions which have served to place deepwater ports at a competitive disadvantage.

I urge my colleagues to join me in supporting this measure.

Mr. JOHNSTON. Mr. President, the bill's basic purpose and objective is to modify, or repeal, some sections of the original authorizing statute to permit an offshore deepwater port to operate in a freer, more competitive environment and be more responsive to the marketplace. The proposed changes would make the 1974 act more contemporary by establishing a framework of Government regulation and marketplace competition within which an offshore deepwater port may operate. This will help to provide a workable, effective regime for oversight and operation of offshore deepwater ports. The amendments would also reflect the changes which have occurred in terms of the Nation's energy situation, its import requirements, and its sources of supply, since enactment of the original legislation almost 10 years ago.

At that time, Congress had legislated a unique proposition for the United States: authorization of the licensing, construction, and operation of an offshore deepwater port facility, a commercial enterprise located in waters of the U.S. coast. This was landmark legislation. Historically, the first such port has been licensed and constructed. Operationally, it came on line for business in 1981.

The United States first and only such facility, known as the Louisiana Offshore Oil Port, Inc., or LOOP, is located about 20 miles off Louisiana's coast in approximately 100 feet of water. The facility takes in only crude oil and pumps it to onshore storage sites, from there, the oil is pumped again in crude form to pipelines for distribution in Louisiana, Texas, and the Midwest.

The changes which have occurred in the Nation's energy situation since the bill was enacted have affected the deepwater port's ability to compete and operate successfully for crude oil transportation. Our proposed amendments would allow such a facility to compete and operate more similar to onshore ports and lightering, lightening and transshipment operations, which are its competitors.

Important to note is key provisions in the act would remain in effect to protect against unfair, discriminatory practices. Authority to suspend or revoke a license continues. Environmental safeguards are retained. Enforcement and oversight by the Secretary of Transportation, the Attorney General, and the Federal Energy Regulatory Commission continues. At this time I would like to review the four major sections of the bill.

1. LICENSING

A more simplified procedure is proposed for the transfer, amendment, or renewal of an offshore deepwater port's license. The current act's procedure for application for ownership, construction, and operation of such a facility would remain in effect. For the transfer, amendment, or renewal of a license, the licensee would be permitted to petition such, as long as the action is consistent with the findings made at the time of license issuance. Also, licenses issued under the act would remain in effect unless suspended, revoked, or surrendered. Licensees would be permitted to petition for review of license conditions to deter-

mine uniformity, insofar as is practicable, with conditions of other licenses issued under the act. Conditions found to be unnecessary nor required any longer by any other Federal department or agency would have to be amended or rescinded.

2. ECONOMIC DEREGULATION

Under this key provision, an offshore deepwater port would be required to operate as a common carrier and to provide nondiscriminatory service, but would be permitted to set its rates based on market conditions and competition, as long as there existed effective competition from alternative modes of transportation. Noncompliance with these requirements could lead to FERC proceedings or Attorney General enforcement, at the direction of the Secretary of Transportation. The Secretary would be authorized to suspend or revoke a license for noncompliance with obligations in this section, as is required now by the current law.

3. FEE SUSPENSION AND ABROGATION

Proposed is a temporary suspension of the deepwater port liability fund fee of 2 cents per barrel on each barrel of oil taken in at a deepwater port facility. The fee is suspended pending congressional resolution of legislation, now being considered separately, which would impose a uniform fee collection system for marine transportation of oil, known as Superfund legislation. The purpose of the fee and the fund is to provide liability resources for cleanup of oil spills. Due to changes in energy demands, sources of energy imports, and the size of vessels transporting oil, the throughput today at LOOP is less than originally expected 10 years ago. As a result, fee collections have been less than anticipated. Imposition of the fee, however, has helped to render the deepwater port uncompetitive, affecting its economic viability. LOOP has operated at a loss for the years 1982 and 1983 totaling some $60 million.

With regard to liability, it is important to note that the act requires statutory liability of $50 million for a deepwater port LOOP, as a condition of its license, has been required to carry, and it does so, a $150 million insurance policy as proof of financial responsibility. The policy provides for $225 million aggregate annual protection and may be renewed should the maximum amount be used in less than 1 year's time. This insurance coverage would be used before Federal funds are involved. Other liability required by the act and retained by the bill is the $20 million in statutory liability for vessel owners or operators. Joint and several liability is required, also, of vessel owners and operators. Every effort is made to insure strong and adequate liability provisions are contained in the proposed bill and retained in the original act.

With reference to the liability fund, once the fee would be suspended temporarily, the fund would be maintained at a level of $4 million. It should be noted that no claims have been paid to date from the deepwater port liability fund, nor have there been any major oil spills at the offshore LOOP facility.

4. RELATIONSHIP TO OTHER LAWS

Repeal of the required bilateral agreement for use of an offshore deepwater port by a foreign-flag ship is proposed in the bill. The act, by requiring bilateral agreements between the United States and a foreign nation for jurisdiction over vessels, and their personnel, bearing that state's flag, limits a deepwater port's through-put, again rendering it uncompetitive. An offshore deepwater port is limited to business only from those vessels whose flag state has entered into a bilateral agreement with the United States. Restricted is the opportunity to compete. Affected is the port's economic viability.

Replacing the current requirement would be a consent regime policy. This would subject a foreign-flag vessel, calling at or using such an offshore facility, to the exercise of jurisdiction by the United States. This is the same jurisdiction to which vessels consent when calling at U.S. coastal ports. It is consistent with customary international law, as codified in the recently concluded United Nations Convention on Law of the Sea and the unilateral declaration by the President, on March 10, 1983, of an exclusive economic zone. This proposed change would permit a more competitive opportunity for offshore deepwater ports.

Mr. President, the proposed amendment to the 1974 act would affect only some of its provisions. The bill seeks a reasonable goal, to permit an offshore deepwater port to survive economically because there exists a more competitive environment in which to operate.

Mr. STEVENS. Mr. President, I ask for the adoption of the committee substitute, as amended.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The committee amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Deepwater Port Act Amendments of 1984".

AMENDMENTS, TRANSFER, OR RENEWAL OF LICENSE

SEC. 2. (a) Section 3(4) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(4) is amended to read:

"(4) 'application' means an application submitted under this Act for a license for the ownership, construction, and operation of a deepwater port;".

(b) Section 4(b) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(b)) is amended to read:

"(b)" The Secretary may—

"(1) on application, issue a license for the ownership, construction, and operation of a deepwater port; and

"(2) on petition of the licensee, amend, transfer, or reinstate a license issued under this Act.".

(c) Section 4(f) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(f)) is amended to read:

"(f) The Secretary may amend, transfer, or reinstate a license issued under this Act if the amendment, transfer, or reinstatement is consistent with the findings made at the time the license was issued.".

(d) Section 4(h) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(h)) is amended to read:

"(h) A license issued under this Act remains in effect unless suspended or revoked by the Secretary or until surrendered by the licensee.".

(e) Section 4(e)(1) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(e)(1)) is amended by inserting at the end thereof: "On petition of a licensee, the Secretary shall review any condition of a license issued under this Act to determine if that condition is uniform, insofar as practicable, with the conditions of other licenses issued under this Act, reasonable, and necessary to meet the objectives of this Act. The Secretary shall amend or rescind any condition that is no longer necessary or otherwise required by any Federal department or agency under this Act.".

(f) The first sentence of section 5(g) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(g)) is amended by striking "issued, transferred, or renewed" and inserting "issued".

(g) The first sentence of section 7(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1506(a)) is amended by striking "issue, transfer, or renew" and inserting "issue".

(h) Section 7(b)(1) of the Deepwater Port Act of 1974 (33 U.S.C. 1506(b)(1)) is amended;

(1) by striking the first sentence and inserting: "The Secretary shall transmit promptly to the Attorney General and the Federal Trade Commission a complete copy of each application for issuance of a license or a petition for the amendment, transfer, or reinstatement of a license that is received."; and

(2) in the second sentence, by inserting immediately after the word "hearing" the phrase "on license application".

ECONOMIC DEREGULATION

SEC. 3. (a) Section 8 of the Deepwater Port Act of 1974 (33 U.S.C. 1507) is amended to read:

"SEC. 8. (a) A deepwater port and a storage facility serviced directly by that deepwater port shall operate as a common carrier under applicable provisions of part I of the Interstate Commerce Act and subtitle IV of title 49, United States Code, except as provided by subsection (b) of this section.

"(b) A licensee under this Act shall accept, transport, or convey without discrimination

all oil delivered to the deepwater port with respect to which its license is issued. However, a licensee is not subject to common carrier regulations under subsection (a) of this section when that licensee—

"(1) is subject to effective competition for the transportation of oil from alternative transportation systems; and

"(2) sets its rates, fees, charges, and conditions of service on the basis of competition, giving consideration to other relevant business factors such as the market value of services provided, licensee's cost of operation, and the licensee's investment in the deepwater port and a storage facility, and components thereof, serviced directly by that deepwater port.

"(c) When the Secretary has reason to believe that a licensee is not in compliance with this section, the Secretary shall commence an appropriate proceeding before the Federal Energy Regulatory Commission or request the Attorney General to take appropriate steps to enforce compliance with this section and, when appropriate, to secure the imposition of appropriate sanctions. In addition, the Secretary may suspend or revoke the license of a licensee not complying with its obligations under this section.".

SUSPENSION OF FEE COLLECTION AND SUBROGATION

SEC. 4. (a) Section 18 of the Deepwater Port Act of 1974 (33 U.S.C. 1517) is amended as follows:

(1) In the first sentence of subsection (d), following the words "deepwater port" the first time they appear, insert "while located in the safety zone".

(2) In subsection (f)(3), strike the third and fourth sentences and insert: "These collections shall cease after the date of enactment of the Deepwater Port Act Amendments of 1983, unless there are adjudicated claims against the Fund to be satisfied. The Secretary may order the collection of the fee to be resumed when the unobligated balance of the Fund as reduced by the unliquidated debts to the United States Treasury is less than $4,000,000. Any collection of fees ordered by the Secretary under the preceding sentence shall cease whenever the unobligated balance of the Fund as reduced by the unliquidated debts to the United States Treasury exceeds $4,000,000. The Fund may borrow from the United States Treasury at an interest rate to be determined by the Secretary of the Treasury amounts sufficient to maintain the available balance in the Fund at $4,000,000 but only to such extent and in such amounts as are provided in advance in appropriation Acts. Such amounts shall remain available until expended.".

(3) In the seventh sentence of subsection (f)(3), after the word "than", insert "the amount the Secretary determines is needed to draw upon under subsection (c)(3) of this section or".

(4) In the ninth sentence of subsection (f)(3), after the word "needed", insert "to draw upon under subsection (c)(3) of this section or".

(5) In subsection (h)(2), insert at the end thereof: "In that event, the owner and operator of the vessel are jointly and severally liable for cleanup costs and damages resulting from that discharge in the same manner and to the same extent as under subsection (d) of this section.".

(6) In subsection (h)(3), insert at the end thereof: "When the Fund under this subsection is subrogated to the right of any person entitled to recovery against the owner or operator of a vessel, that owner and operator are jointly and severally liable for cleanup costs and damages resulting from that discharge in the same manner and to the same extent as under subsection (d) of this section.".

RELATIONSHIP TO OTHER LAWS

SEC. 5. (a) Section 19(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1518(a)) is amended by adding at the end thereof:

"(3) The Secretary of State shall notify the government of each foreign state having vessels registered under its authority or flying its flag which may call at or otherwise utilize a deepwater port but which do not currently have an agreement in effect as provided in subsection (c)(2)(A)(i) of this section that the United States intends to exercise jurisdiction over vessels calling at or otherwise utilizing a deepwater port and the persons on board such vessels. The Secretary of State shall notify the government of each such state that, absent its objection, its vessels will be subject to the jurisdiction of the United States whenever they—

"(A) are calling at or otherwise utilizing a deepwater port; and

"(B) are within the safety zone of such a deepwater port and are engaged in activities connected, associated, or potentially interfering with the use and operation of the deepwater port.

The Secretary of State shall promptly inform licenses of deepwater ports of all objections received from governments of foreign states in response to notifications made under this paragraph.".

(b) Section 19(c) of the Deepwater Port Act of 1974 (33 U.S.C. 1518(c)) is amended to read:

"(c)(1) The jurisdiciton of the United States shall apply to vessels of the United States and persons on board such vessels. The jurisdiction of the United States shall also apply to vessels, and persons on board such vessels, registered in or flying the flags of foreign states, whenever such vessels are—

"(A) calling at or otherwise utilizing a deepwater port; and

"(B) are within the safety zone of such a deepwater port, and are engaged in activities connected, associated, or potentially interfering with the use and operation of the deepwater port.

The jurisdiction of the United States under this paragraph shall not, however, apply to vessels registered in or flying the flag of any foreign state that has objected to the application of such jurisdiction.

"(2) Except in a situation involving force majeure, a licensee shall not permit a vessel registered in or flying the flag of a foreign state to call at or otherwise utilize a deepwater port licensed under this Act unless—

"(A)(i) the foreign state involved, by specific agreement with the United States, has agreed to recognize the jurisdiction of the United States over the vessels registered in or flying the flag of that state and persons on board such vessels in accordance with the provisions of paragraph (1) of this subsection, while the vessel is located within the safety zone, or

"(ii) the foreign state has not objected to the application of the jurisdiction of the United States to any vessel, or persons on board such vessel, while the vessel is located within the safety zone; and

"(B) the vessel owner or operator has designated an agent in the United States for receipt of service of process in the event of any claim or legal proceeding resulting from activities of the vessel or its personnel while located within such a safety zone.

"(3) For purposes of paragraph (2)(A)(ii) of this subsection, a licensee shall not be obliged to prohibit a call at or use of a deepwater port by a vessel registered in or flying the flag of an objecting state unless the licensee has been informed by the Secretary of State as required by subsection (a)(3) of this section.".

(c) The amendment made by subsection (b) of this section shall be effective on the ninetieth day following the date of enactment of this Act. The Secretary of State shall make the first series of notifications referred to in section 19(a)(3) of the Deepwater Port Act of 1974, as added by subsection (a) of this section, prior to the thirtieth day following the date of enactment of this Act.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EMERGENCY INTERIM SOLVENCY FOR THE VETERANS' ADMINISTRATION'S LOAN GUARANTY FUND

Mr. STEVENS. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 721, S. 2391.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2391) to amend title 38, United States Code, to revise the authority for the collection of a fee in connection with housing loans guaranteed, made, or insured by the Veterans' Administration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SIMPSON. Mr. President, I am very pleased to present to the Senate for its consideration S. 2391, a bill to provide emergency interim solvency for the Veterans' Administration's loan guaranty revolving fund by providing for the deposit of loan fees into the fund and by increasing the fees.

Mr. President, the VA's loan guaranty revolving fund—which encompasses virtually all VA housing loan activity—is facing an immediate and severe deficit problem. Since 1962, appropriations have never been necessary to cover the activities of this revolving fund. But in the absence of prompt remedial action, it has been estimated by the Congressional Budget Office that a continuation of current policy will result in an unfunded deficit of at least $125 million in fiscal year 1984, and additional deficits totaling nearly $1 billion in fiscal years 1985 through 1989.

Since its enactment as a readjustment benefit for returning World War II GI's, the VA's loan guaranty program has provided invaluable assist-

ance to veterans who would otherwise not be able to purchase their own home. Basically, the VA's guaranty—for 60 percent of the mortgage amount, up to a limit of $27,500—takes the place of any need for a downpayment such as is customarily required in the commercial lending market. Given the current downpayment requirements among mortgage lenders, a guaranty of $27,500 might well be sufficient to support a total loan amount of $110,000. Over the history of this program, the VA has guaranteed a total of 11.5 million loans with an aggregate face value of more than $200 billion.

This bill would provide emergency solvency assistance to this important program through the end of fiscal year 1985. It would do this by making two changes in the current provision of law—contained in section 1829 of title 38—requiring the collection of a loan origination fee in connection with VA housing loans. First, it would require that all fees collected be deposited not into the General Treasury, as is the case under current law, but instead into the loan guaranty revolving fund itself. I feel that it is appropriate, now that the fund is in urgent financial trouble, that revenues from the collection of these fees should be used to help offset the substantial costs of the program's operation.

The second change would be to increase the amount of the fee from one-half of 1 percent to 1 percent. This will generate an additional $156 million in revenues to the fund during this fiscal year and the next, and it is not expected to decrease the appeal or the usefulness of this valuable guaranty program. It will not interfere with the availability of the guaranty. The 1-percent figure compares quite favorably with the average figure of 3 to 4 percent for fees charged in connection with conventional mortgages.

I would stress, Mr. President, that this bill retains the current law sunset provision of September 30, 1985, since the Veterans' Affairs Committee has drafted it as an interim measure only, pending the development of more comprehensive, long-term solutions to the fund's deficit problems. I believe that additional legislative improvements in the programs will be necessary, and I intend to pursue consideration of such legislation in the committee as swiftly as is possible. I have noted in the past my feeling that a substantial basis of any such legislative initiative might well be the package of program improvements recommended by the Congressional Budget Office in testimony before the Veterans' Affairs Committee, and in a comprehensive report on the subject which has yet to be released in final form. I would note the possibility that we may find that one significant aspect of such a legislative initiative should be to remove the current sunset date on the loan origination fee provision which is the subject of the present legislation, so as to make the loan origination fee a permanent part of the loan guaranty program. I note that the House Budget Committee has recently marked up a budget resolution containing reconciliation instructions which would assume the permanence of the 1-percent loan origination fee and would, in addition, assume the enactment of CBO's package of program improvements. If, indeed, the Congress were to endorse these reconciliation goals, the substantive legislative assumptions underlying those reconciliation instructions would be assured of my strongest support.

AMENDMENT NO. 2875

(Purpose: To provide that the increase in the Veterans' Administration loan fee shall take effect 14 days after enactment)

Mr. STEVENS. Mr. President, on behalf of Senator SIMPSON and Senator CRANSTON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) on behalf of Mr. SIMPSON and Mr. CRANSTON proposes an amendment numbered 2875.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, strike out the period at the end of line 14 and insert in lieu thereof a comma and "except that the amendment made by clause (1) of section 2 shall take effect with respect to loans closed 14 days or more after the date of the enactment of this Act.".

Mr. SIMPSON. Mr. President, this amendment is submitted for myself and my good friend, the ranking minority member of the Committee on Veterans' Affairs (Mr. CRANSTON), regarding the effective date of S. 2391. As reported by the committee, the bill would take effect on April 1. Clearly, enactment by that date—which is 2 days from today—will not be possible. And just as clearly, the portion of this bill which would increase the loan origination fee to 1 percent does not lend itself to retroactive application.

This amendment, therefore, would delay the effective date of the increase in fee until 14 days after the date of enactment. The 14-day period should be sufficient to permit the VA to provide notification of the change to commercial lenders who write and service VA-guaranteed loans. The amendment would leave intact the April 1 effective date for that part of the bill which would transfer fee revenues from the General Treasury to the revolving fund.

Mr. President, this amendment is appropriate to permit this legislation to go forward to the House and to the President for his signature as swiftly as possible, and I would urge that my colleagues join me in supporting it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2875) was agreed to.

Mr. SIMPSON. Mr. President, I would like to take a moment to express my appreciation to my good friend, Senator CRANSTON, for his fine cooperation and assistance in moving this vital legislation so expeditiously to the floor. A pleasure always to work with him. I would also like to commend the excellent work of the committee majority staff—especially our fine and capable new chief counsel and staff director, Tony Principi, general counsel, Scott Wallace, whom I shall greatly miss as he goes on to pursue new professional goals, budget specialist, Brent Goo, a very thorough and sensible budgeteer, and a particular thanks for the fine and cheerful support work of our newest addition, Jody Sanders. My thanks also to our skilled committee minority staff—notably the remarkable and talented Jon Steinberg, Ed Scott, and Babette Polzer.

The Committee on Veterans' Affairs has unanimously concluded that this legislation is urgently needed. I strongly urge my colleagues to join me in supporting it as amended.

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

EMERGENCY PROTECTION OF SOLVENCY OF VA LOAN GUARANTY REVOLVING FUND

● Mr. CRANSTON. Mr. President, as the ranking minority member of the Veterans' Affairs Committee, I rise to speak on behalf of the pending measure, S. 2391, which I joined with our distinguished chairman (Mr. SIMPSON) in introducing on March 6 and which was reported by the committee on March 22. This bill would redirect the receipts from the Veterans' Administration home-loan guaranty origination fee from the General Treasury into the VA's loan guaranty revolving fund and increase the fee from one-half of 1 percent to 1 percent.

BACKGROUND

Mr. President, I have been very concerned about the solvency and viability of the VA's home-loan guaranty program since early this year when I first wrote the chairman, on January 18, suggesting that oversight hearings be held on the many pressing issues affecting the program. My good friend from Wyoming responded promptly on this issue, and on February 29 an excellent hearing was held that has provided much information and insight as the committee has grappled with the complex issues that are involved.

At the hearing, the most pressing matter that came to our attention was the need for urgent action to shore up the solvency of the guaranty fund. As noted in the committee's report on the pending measure, Senate Report No. 98-366, the Congressional Budget Office estimates that, if nothing is done and current policies vis-a-vis the fund continue, there will be a deficit—that would otherwise have to be dealt with by an appropriation—in the VA's loan guaranty revolving fund of at least $125 million in fiscal year 1984, $108 million in fiscal year 1985, $6 million in fiscal year 1986, and additional deficits totaling nearly $870 million in fiscal year 1987 through 1989.

The administration's response to this need for urgent action was to announce, in the President's budget submission for fiscal year 1985, that major policy changes in the operation of the home-loan program would be made, effective March 1, 1984. The most significant change would have terminated the VA's current general practice of acquiring the property involved following a foreclosure and would have required instead that the VA pay off its guaranty in all cases. The administration projected that the effects of the implementation of this change, together with related policy changes, would be to reduce to $113 million the fiscal year 1984 outlays from the loan guaranty revolving fund and to reduce fiscal year 1985 outlays to $29.6 million as well as to obviate the need for any appropriations for the revolving fund in each of those fiscal years.

However, Mr. President, this policy change has now been suspended after serious problems and concerns arose regarding its long-term cost-effectiveness and the adverse impact it could have on veterans attempting to purchase homes. At the committee's February 8, 1984, hearing on the budget for veterans' programs, the Administrator of Veterans' Affairs testified that the VA was participating, together with other Federal agencies involved, in a task force that is attempting to develop a consistent Government-wide policy with respect to foreclosure procedures. He stated that he did not think the status of any new policy would be resolved until "late fall, at the earliest." Subsequently, in a February 22 letter to the chairmen and ranking minority members of both the House and Senate Committees on Veterans' Affairs, the Director of the Office of Management and Budget advised that the implementation date for whatever changes are made in loan guaranty program policies will be October 1, 1984.

I want to emphasize my strong disagreement with this administration's position that the VA's policy in this area should be determined by its consistency with Government-wide policy and my keen disappointment that, as Administrator Walters stated at our committee's February 8 hearing, it was considered necessary in the budget negotiating process with the Office of Management and Budget to agree with this position. I agree that the VA should attempt to coordinate its efforts with other agencies and be fully cognizant of the policies of those other agencies and how they interact with VA programs. However, I believe very strongly that VA policies should be based on making VA programs work effectively for the benefit of the veterans for whom the Congress established them. Thus, I am disappointed that consistency with other agencies—as opposed to insuring the efficient operation of VA programs for the benefit of eligible veterans which, for me, must be the crucial criterion—will apparently be the touchstone with respect to future VA policies in this area.

S. 2391 AS REPORTED

Thus, at this point, Mr. President, the committee and the Congress are faced with the need for urgent action to insure the solvency of the loan guaranty revolving fund. I believe that the approach in the pending bill will go a long way toward resolving that issue, at least temporarily.

The results of redirecting into the revolving fund fees that are collected on loans closed after March 31, 1984, and increasing the fee—effective, as proposed in the floor amendment that I will discuss shortly, for loans closed 14 or more days after enactment—would be the infusion, based on the CBO estimate, of approximately $92 million into the fund in fiscal year 1984 and $222 million in fiscal year 1985, a 2-year total of approximately $314 million. That amount is greater than the expected fiscal year 1984 and 1985 deficits combined—$233 million—as estimated by CBO.

Mr. President, with respect to the provision for the fees to be deposited into the loan guaranty revolving fund, rather than into the Treasury as miscellaneous receipts, as under current law, I want to note my strong support for the committee's position as stated on page 6 of its report that:

> It is appropriate that fees generated by this vital program should, now that the program is experiencing compelling funding difficulties, be . . . made available to the program for the purpose of meeting the considerable costs of its operation.

Indeed, this was the committee's strong preference when, as part of the 1982 reconciliation process, it recommended the establishment of the fee originally. We were unable to achieve that result at that time because of certain congressional budget scorekeeping difficulties.

With respect to the fee itself, I stress that the increase of one-half of 1 percent in the amount of the fee would not in any way alter the current-law exemptions for veterans with service-connected disabilities and for surviving spouses of veterans who died from such disabilities. Also, the bill would retain the current sunset provision for the fee so that there would be no provision in law for fees to be collected for loans closed after the end of fiscal year 1985. It is also important to note that the fee—which at 1 percent of the loan amount would mean an average fee of $600 for individuals purchasing homes—may either be paid in cash at the time of settlement or financed as part of the initial principal amount of the loan. Permitting financing of the fee as part of the loan amount assures that the burden of the fee on the veteran will continue to be minimized.

Mr. President, I want to stress, as the committee has stated in its report, that this legislation is designed as an interim measure. I will continue to monitor very carefully the very complicated issues involved in this area and will be following VA home-loan program developments very closely as program policy changes are considered. After taking into account the task force's recommendations and proposed policy changes, if any, I stand ready to take such action as may be necessary and appropriate to insure that the fund remains solvent and that the program continues to be operated in an effective and efficient manner and, most importantly, in the best interest of the vetrans it is designed to serve.

SIMPSON-CRANSTON EFFECTIVE DATE AMENDMENT

I also want to make special mention of the amendment that has been adopted to the pending measure on behalf of the chairman and myself. The effective date of the measure as reported was April 1, 1984. The committee wanted to make the proposed changes effective as soon as possible so as to insure maximum relief to the fund's solvency. However, in recognition of the fact that the increase in the fee cannot be made retroactive nor be implemented nationwide on a few days' notice, we are proposing that the one-half-percent increase in the fee become effective with respect to loans closed 14 days or more after enactment. After discussions with officials in the VA's Loan Guaranty Service, it appears that this amount of leadtime will be sufficient to get the word out to lenders, veteran-purchasers, and others who need to know about the change, and I have been assured by the VA's Loan Guaranty Service that, if the House were to find this legislation acceptable and pass the measure, a preenactment notice alerting recipients to the possibility of an increase in the fee would be transmitted to all VA

regional offices immediately after House passage of the bill.

Regarding the 14-day leadtime that would be provided between the date of enactment and the effective date of the fee increase, I would point out that the provision of law establishing the fee, section 406 of Public Law 97-253, which was signed into law on September 8, 1982, took effect 23 days after that date, on October 1, 1982. It is my understanding that the VA's experience in implementing the new fee in that timeframe was a complete success in that there were no situations, as far as the VA's Loan Guaranty Service is aware, in which a VA-guaranteed loan was closed after September 30, 1982, without the parties having been aware of the fee and, thus, in which the veteran-purchaser subsequently had to be required to come up with cash to pay the fee rather than having it financed as part of the loan.

Based on that experience with the establishment of the original fee requirement, it seems reasonable to expect that, with the preenactment notice mentioned above, the VA should be able, with a 14-day leadtime, to achieve the same successful implementation in the case of increasing a fee which is already a part of the current process

CONCLUSION

Mr. President, it is my understanding that there is a favorable disposition in the House Committee on Veterans' Affairs toward the two changes that would be made by this bill. I hope that the bill will be held at the desk when it arrives in the House. I would urge that my good friends on the House Committee give this measure their prompt attention and consideration for favorable action at their earliest opportunity.

Before closing, Mr. President, I want to take this opportunity to express my personal thanks to Scott Wallace, the committee's capable and conscientious General Counsel, for his excellent work on this legislation and his many fine contributions over the past 3 years to a variety of important measures and many other activities of the committee. Scott will be leaving the committee staff next month, and I want to let him know that I and the other minority members and the minority staff have greatly appreciated his efforts and the excellent cooperation and many courtesies he has extended to us. Although we on the Veterans' Affairs Committee will miss Scott, I am delighted that he is not leaving the Senate, but will be joining the staff of the Judiciary Committee's Subcommittee on Juvenile Justice, chaired by my good friend from Pennsylvania (Mr. SPECTER), a highly valued member of our Veterans' Affairs Committee also. On behalf of the minority members and staff of the Veterans' Affairs Committee, I want to wish Scott the best of luck in his future work.

Finally, Mr. President, I want to congratulate my good friend from Wyoming, the committee chairman, for his fine work on this measure and to thank him once again, as well as Majority Chief Counsel Tony Principi, for the fine cooperation which are consistently extended to me and other members of the committee's minority. My thanks also to Bobette Polzer and Ed Scott at the minority staff for their fine work on this legislation.

Mr. President, I believe that this measure is clearly in the best interests of our Nation's veterans and the maintenance of the VA's home loan guaranty program, and I urge my colleagues to give it their unanimous support.●

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1824(c) of title 38, United States Code, is amended—

(1) by inserting "(2) fees collected under section 1829 of this title," after "requirements of the Fund,"; and

(2) by redesignating clause (2) as clause (3).

SEC. 2. Section 1829 of title 38, United States Code, is amended—

(1) in subsection (a), by striking out "one-half of"; and

(2) in subsection (c), by striking out "Treasury of the United States as miscellaneous receipts" and inserting in lieu thereof "Veterans' Administration Loan Guaranty Revolving Fund".

SEC. 3. The amendments made by this Act shall take effect with respect to loans closed after March 31, 1984, except that the amendment made by clause (1) of section 2 shall take effect with respect to loans closed fourteen days or more after the date of the enactment of this Act.

The title was amended so as to read: "A bill to amend title 38, United States Code, to provide emergency interim solvency for the Veterans' Administration's Loan Guaranty Fund by providing for the deposit of loan fees in the Fund and by increasing the fees."

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HOUSE JOINT RESOLUTION 517 PLACED ON CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that House Joint Resolution 517, a joint resolution making urgent supplemental appropriations for annual contract authority for the fiscal year ending September 30 for the Department of Housing and Urban Development, received today from the House of Representatives, be placed on the calender.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, may I state to the distinguished Senator from Alaska, the acting majority leader, that, speaking on behalf of Senators on this side of the aisle, we are ready to proceed with the Executive Calendar. I am happy to inform Mr. STEVENS that all nominations on that calendar have now been cleared with the exception of the first nomination, which appears on page 1.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering the nominations on the calendar beginning with Nos. 527 through 537, and the nomination of Donald D. Cohen.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask that the Senate go into executive session for the purpose of considering those nominations just referred to.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. STEVENS. Mr. President, I ask unanimous consent that the nominations I have specified be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Edward C. Prado, of Texas, to be U.S. district judge for the western district of Texas.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Elliot Ross Buckley, of Virginia, to be a member of the Occupational Safety and Health Review Commission for the term expiring April 27, 1989.

MARINE MAMMAL COMMISSION

William Evans, of California, to be a member of the Marine Mammal Commission for the term expiring May 13, 1985.

FEDERAL COMMUNICATIONS COMMISSION

Dennis R. Patrick, of the District of Columbia, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1978.

COAST GUARD

The following officers of the U.S. Coast Guard for promotion to commodore:

Capt. Howard B. Thorsen.

Capt. Alan D. Breed.
Capt. John W. Kime.
Rear Adm. Paul A. Yost, U.S. Coast Guard, to be Commander, U.S. Coast Guard Atlantic Area with the grade of vice admiral while so serving, and
Rear Adm. John D. Costello, U.S. Coast Guard, to be Commander, U.S. Coast Guard Pacific area with the grade of vice admiral while so serving.

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral:
William P. Kozlovsky.
Richard P. Cueroni.
Robert S. Lucas.
Kenneth G. Wiman.

DEPARTMENT OF STATE

Richard Fairbanks, of the District of Columbia to be Ambassador at Large.

David Charles Miller, Jr., of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Zimbabwe.

ARMS CONTROL AND DISARMAMENT NEGOTIATIONS

Paul H. Nitze, of the District of Columbia, to be Special Representative for Arms Control and Disarmament Negotiations (new position—Public Law 98-202, of December 2, 1983), to which position he was appointed during the last recess of the Senate from November 18, 1983, until January 23, 1984, and to have the rank of Ambassador while so serving.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE FOREIGN SERVICE

Foreign Service nominations beginning Donald D. Cohen, and ending John R. Thomson, which nominations were received by the Senate on February 16, 1984, and appeared in the CONGRESSIONAL RECORD of February 21, 1984.

Mr. STEVENS. Mr. President, I ask that the President be immediately notified of the confirmation of his nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXERCISE OF PRESIDENTIAL AUTHORITY WITH RESPECT TO THE EXPORT ADMINISTRATION ACT—MESSAGE FROM THE PRESIDENT—PM 125

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703, I hereby report to the Congress that I have today exercised the authority granted by this Act to continue in effect the system of controls contained in 15 C.F.R. Parts 368-399, including restrictions on participation by United States persons in certain foreign boycott activities, which heretofore has been maintained under the authority of the Export Administration Act of 1979, as amended, 50 U.S.C. App. 2401 *et seq.* In addition, I have made provision for the administration of Section 38(e) of the Arms Export Control Act, 22 U.S.C. 2778(e).

1. The exercise of this authority is necessitated by the expiration of the Export Administration Act on March 30, 1984, and the resulting lapse of the system of controls maintained under the Act.

2. In the absence of controls, foreign parties would have unrestricted access to United States commercial products, technology and technical data, posing an unusual and extraordinary threat to national security, foreign policy, and economic objectives critical to the United States. In addition, United States persons would not be prohibited from complying with certain foreign boycott requests. This would seriously harm our foreign policy interests, particularly in the Middle East. Controls established in 15 C.F.R. 368-399, and continued by this action, include the following:

National security export controls aimed at restricting the export of goods and technologies which would make a significant contribution to the military potential of any other country and which would prove detrimental to the national security of the United States;

Foreign policy controls which further the foreign policy objectives of the United States or its declared international obligations in such widely recognized areas as human rights, anti-terrorism, and regional stability;

Nuclear nonproliferation controls that are maintained for both national security and foreign policy reasons, and which support the objectives of the Nuclear Nonproliferation Act;

Short supply controls that protect domestic supplies; and

Anti-boycott regulations that prohibit compliance with foreign boycotts aimed at countries friendly to the United States.

3. Consequently, I have issued an Executive Order (a copy of which is attached) to continue in effect all rules and regulations issued or continued in effect by the Secretary of Commerce under the authority of the Export Administration Act of 1979, as amended, and all orders, regulations, licenses, and other forms of administrative actions under that Act, except where they are inconsistent with sections 203(b) and 206 of the International Emergency Economic Powers Act.

4. The Congress and the Executive have not permitted export controls to lapse since they were enacted under the Export Control Act of 1949. Any termination of controls could permit transactions to occur that would be seriously detrimental to the national interests we have heretofore sought to protect through export controls and restrictions on compliance by United States persons with certain foreign boycotts. I believe that even a temporary lapse in this system of controls would seriously damage our national security, foreign policy and economic interests and undermine our credibility in meeting our international obligations.

5. The countries affected by this action vary depending on the objectives sought to be achieved by the system of controls instituted under the Export Administration Act. Potential adversaries are seeking to acquire sensitive United States goods and technologies. Other countries serve as conduits for the diversion of such items. Still other countries have policies that are contrary to United States foreign policy or nuclear nonproliferation objectives, or foster boycotts against friendly countries. For some goods or technologies, controls could apply even to our closest allies in order to safeguard against diversion to potential adversaries.

6. It is my intention to terminate the Executive Order upon enactment into law of a bill reauthorizing the authorities contained in the Export Administration Act.

RONALD REAGAN.

THE WHITE HOUSE, *March 30, 1984.*

LEGISLATION TO APPROVE THE COMPACT OF FREE ASSOCIATION—MESSAGE FROM THE PRESIDENT—PM 126

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

There is enclosed a draft of a Joint Resolution to approve the "Compact of Free Association," the negotiated instrument setting forth the future political relationship between the United States and two political jurisdictions of the Trust Territory of the Pacific Islands.

The Compact of Free Association is the result of more than fourteen years of continuous and comprehensive negotiations, spanning the administra-

tions of four Presidents. The transmission of the proposed Joint Resolution to you today marks the last step in the Compact approval process.

The full text of the Compact is part of the draft Joint Resolution, which I request be introduced, referred to the appropriate committees for consideration, and enacted. I also request that the Congress note the agreements subsidiary to the Compact. Also enclosed is a section-by-section analysis to facilitate your consideration of the Compact.

The defense and land use provisions of the Compact extend indefinitely the right of the United States to foreclose access to the area to third countries for military purposes. These provisions are of great importance to our strategic position in the Pacific and enable us to continue preserving regional security and peace.

Since 1947, the islands of Micronesia have been administered by the United States under a Trusteeship Agreement with the United Nations Security Council. This Compact of Free Association with the governments of the Federated States of Micronesia and the Republic of the Marshall Islands would fulfill our commitment under that agreement to bring about self-government. Upon termination of the Trusteeship Agreement, another political jurisdiction of the Trust Territory of the Pacific Islands, the Northern Mariana Islands, will become a commonwealth of the United States.

The Compact of Free Association was signed for the United States by Ambassador Fred M. Zeder, II, on October 1, 1982, with the Federated States of Micronesia, and on June 25, 1983, with the Republic of the Marshall Islands. It is the result of negotiations between the United States and broadly representative groups of delegates from the prospective freely associated states.

In 1983, United Nations-observed plebiscites produced high voter participation, and the Compact was approved by impressive majorities. In addition to approval in the plebiscites, the Compact has been approved by the governments of the Republic of the Marshall Islands and the Federated States of Micronesia in accordance with their constitutional processes.

Enactment of the draft Joint Resolution approving the Compact of Free Association would be a major step leading to the termination of the Trusteeship Agreement with the United Nations Security Council, which the United States entered into by Joint Resolution on July 18, 1947. Therefore, I urge the Congress to approve the Compact of Free Association.

RONALD REAGAN.

THE WHITE HOUSE, *March 30, 1984.*

MESSAGES FROM THE HOUSE

At 12:20 p.m., a message from the House of Representatives was delivered by Ms. Goetz, one of its reading clerks, announced that the House had passed the following bill and joint resolution in which it requests the concurrence of the Senate:

H.R. 4841. An act to authorize appropriations for the Coast Guard for fiscal years 1985 and 1986, and for other purposes.

H.J. Res. 517. Joint resolution making an urgent supplemental appropriation for additional annual contract authority for the fiscal year ending September 30, 1984, for the Department of Housing and Urban Development.

At 3:42 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2507. An act to continue the transition provisions of the Bankruptcy Act until May 1, 1984, and for other purposes.

MEASURE REFERRED

H.R. 4841. An act to authorize appropriations for the Coast Guard for fiscal years 1985 and 1986, and for other purposes; to the Committee on Commerce, Science and Transportation.

MEASURE PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar:

H.J. Res. 517. Joint resolution making an urgent supplemental appropriation for additional annual contract authority for the fiscal year ending September 30, 1984, for the Department of Housing and Urban Development.

ENROLLED BILL SIGNED

The Secretary reported that on today, March 30, 1984, the President pro tempore (Mr. THURMOND) had signed the following enrolled bill:

S. 2507. An act to continue the transition provisions of the Bankruptcy Act until May 1, 1984, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MATHIAS:

S. 2506. A bill to increase the per diem rate of pay for members of the National Capital Planning Commission; to the Committee on Governmental Affairs.

By Mr. BAKER (for himself, Mr. THURMOND, Mr. DOLE, Mr. GRASSLEY, and Mr. HEFLIN):

S. 2507. A bill to continue the transition provisions of the Bankruptcy Act until May 1, 1984, and for other purposes; considered and passed.

By Mr. KASTEN:

S. 2508. A bill to reduce the deficit with the recommendations of the President's Private Sector Survey on Cost Control—the Grace Commission; to the Committee on Rules and Administration.

By Mr. RUDMAN (for himself and Mr. INOUYE):

S. 2509. A bill to amend the Federal Election Campaign Act of 1971 to regulate political advertising in campaigns for Federal elective office; to the Committee on Rules and Administration.

By Mr. QUAYLE (for himself, Mr. EAGLETON, Mr. HATCH, and Mr. KENNEDY):

S. 2510. A bill to authorize the establishment of an endowment fund at Howard University, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. NICKLES:

S. 2511. A bill to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest held by the United States in certain lands located in Payne County, Oklahoma, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CHAFEE (for himself, Mr. HATFIELD, Mr. CHILES, and Mr. HOLLINGS):

S. 2512. A bill to establish a program to improve the leadership and management skills of school administrators, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DURENBERGER (for himself, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. BRADLEY, and Mr. HUMPHREY):

S. 2513. A bill to amend the Safe Drinking Water Act to protect groundwater resources and to prevent leaks and releases from underground storage tanks; to the Committee on Environment and Public Works.

By Mr. SIMPSON:

S. 2514. A bill to amend title 38, United States Code, to enhance the management of Veterans' Administration medical treatment programs by providing for the referral of veterans to non-Veterans' Administration entities and arrangements for additional necessary services, to revise and clarify the authority for the furnishing of care for veterans suffering from alcohol or drug dependence, to require the Administrator to establish the position of Associate Director for Post-Traumatic Stress Disorder, to require the Administrator to submit a report to Congress regarding programs of the Veterans' Administration providing hospice and respite care to certain veterans, and to authorize the Administrator of Veterans' Affairs to provide telecaption television decoders to totally deaf veterans in certain cases, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SARBANES:

S. 2515. A bill to extend the provisions of chapter 61 of title 10, United States Code, relating to retirement and separation for physical disability, to cadets and midshipmen; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO (for himself, Mr. HELMS, Mr. EXON, Mr. MOYNIHAN,

Mr. NICKLES, Mr. BRADLEY, and Mr. HEINZ):

S. Con. Res. 101. Concurrent resolution to commemorate the Ukrainian famine of 1933; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MATHIAS:

S. 2506. A bill to increase the per diem rate of pay for members of the National Capital Planning Commission; to the Committee on Governmental Affairs.

INCREASE IN PER DIEM RATE FOR MEMBERS OF THE NATIONAL CAPITAL PLANNING COMMISSION

● Mr. MATHIAS. Mr. President, I send to the desk a bill and ask that it be referred to the appropriate committee.

I ask unanimous consent that a letter to the President of the Senate from the National Capital Planning Commission explaining the need for and purpose of this bill appear in the RECORD along with the text of the proposed legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(b)(2) of the Act entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital", approved June 6, 1924 (43 Stat. 463; D.C. Code, sec. 1-2002) is amended by striking out "the rate of $100 for each day" and inserting in lieu thereof "a rate equivalent to Level IV of the Executive Schedule for each day".

(b) Such Act is further amended by adding at the end thereof the following:

"SHORT TITLE

"SEC. 14. This Act may be cited as the 'National Capital Planning Act of 1952'.".

SEC. 2. Section 2 of the Act entitled "An Act to amend the Act of June 6, 1924, as amended, relating to the National Capital Park and Planning Commission, and for other purposes", approved July 19, 1952 (66 Stat. 791) is amended by striking out the second sentence.

NATIONAL CAPITAL PLANNING COMMISSION,
Washington, D.C., January 26, 1984.

Hon. GEORGE BUSH,
President, U.S. Senate, Washington, D.C.

DEAR MR. VICE PRESIDENT: Transmitted herewith is proposed legislation "To amend the National Capital Planning Act of 1952, as amended, and for other purposes."

The bill would increase the compensation paid to the three members of the Commission appointed by the President and the two members appointed by the Mayor of the District of Columbia from $100 for each day a member is engaged in the performance of Commission duties to a daily rate equivalent to Level IV of the Executive Schedule. The current daily rate (based on 260 work days each year) for Level IV under the existing pay ceiling is $266. Such a rate would be more commensurate with the level of responsibilities assigned to Presidential and Mayoral appointees serving as members of the central planning agency for the Federal government in the Nation's Capital.

Appointive members of the Commission are classified as special government employees serving less than sixty days a year; experience indicates that such members, except the Chairman, serve approximately two days a month or 24 days a year principally attending Commission meetings. It is estimated that the Chairman serves an additional thirty days on administrative and representational matters. Accordingly, it is anticipated that such a change in the rate of compensation for appointive members would increase the annual budget estimate for this purpose from $15,000 to $40,000.

Sincerely,

GLEN T. URQUHART,
Chairman.●

By Mr. KASTEN:

S. 2508. A bill to reduce the deficit with the recommendations of the President's Private Sector Survey on Cost Control—the Grace Commission; to the Committee on Rules and Administration.

FEDERAL COST CONTROL ACT OF 1984

Mr. KASTEN. Mr. President, today I offer a bill that will improve Government efficiency—and save the American people $58 billion over the next 3 years. I call this bill the Federal Cost Control Act of 1984, and the purpose of it is to enact a number of the recommendations of the President's Private Sector Survey on Cost Control—the Grace Commission.

The Grace Commission was put together in June of 1982, and since then 161 private sector business executives spent 18 months studying the Federal Government. The result of their tireless work is a report with 2,478 ways for the Federal Government to control the cost of Government. The President's Private Sector Survey was funded entirely with private money. And, I would like to express my great appreciation to the men and women who devoted their time, energy, and money to this effort. I also extend my sincere admiration for Mr. Peter Grace—the man who headed this effort to dig out Government inefficiency.

Mr. President, adopting just some of the Grace Commission recommendations will save the American people a great deal of money. Both the Congressional Budget Office and the General Accounting Office have reviewed the major Grace Commission recommendations, and have found that they would save $98 billion over the next 3 years. This is just short of the $100 billion downpayment on the deficit President Reagan called for in his state of the Union address.

The bill I am introducing today will get us more than half the way there by requiring Congress and the administation to adopt 58 billion dollars' worth of Grace Commission recommendations. This bill, however, does not force them to accept any specific recommendations to achieve these savings. Both Congress and the administration would have the flexibility to accept recommendations within their jurisdictions that would achieve the specified cost savings.

The Kasten bill requires that by June 1 of this year, nine Senate authorizing committees—from Agriculture to Veterans' Affairs—report bills to Congress that will enact Grace Commission recommendations that will save $29 billion over the next 3 years. Specifically, the savings will be $6 billion in fiscal year 1985, $9 billion in fiscal year 1986, and $14 billion in fiscal year 1987. The administration is also required to take administrative actions to set Commission recommendations in place that will save the same amount. Although my bill suggests Grace Commission recommendations that have been reviewed by CBO and GAO to achieve these savings, these specific recommendations are not binding on the committees or the administration.

I believe that we must adopt the Grace Commission recommendations as part of our current efforts to get the deficits—and the spending that causes them—under control. The Federal Government is the world's largest conglomerate—and one of the worst run. According to the Grace Commission, the level of fraud and abuse in the Government is over $25 billion a year because of serious weaknesses in financial controls and reporting. At the end of 1982, the Commission found that the Government had approximately $93 billion in current receivables—money owed to the Government right now. Of that total, $38 billion—or 41 percent—was overdue. The Government should do a better job of collecting the money already due, before we consider additional tax increases on the American taxpayer.

And, everywhere the Grace Commission looked, it found further evidence of poor management in Government. I would like to offer the Senate a few examples of the Commission's findings.

The Commission found expenditures in the Pentagon of $91 for a 3 cent screw.

The Commission also found the Veterans Administration, at a new hospital in the Bronx, spending $191,000 per bed in hospital construction costs—while similar private construction at the Duke University Hospital cost $97,000 per bed.

And, the Commission found that the Federal Government cannot even do a decent job in issuing a check. The Army spends $4.20 to process a payroll check, while the same check costs $1 to process in the private sector.

The list goes on, Mr. President. In Mr. Grace's testimony before the Senate Budget Committee a month

ago, he presented a list of 19 reasons why business can advise Government. The examples I just gave came from that list, and I ask unanimous consent that the entire list be published in the CONGRESSIONAL RECORD at this point.

Mr. President, the Grace Commission has blown the whistle on the Federal Government, and now it is time for Congress and the administration to take action. Almost all the waste and inefficiency in the Federal Government can be traced to restraints put on the management of the executive branch by Congress. There is hardly anything in the management of Government operations that does not require some form of congressional approval, whether it is closing obsolete facilities, buying new computers, or setting the wage scale on Federal construction projects. The responsibility for Government inefficiency rests at our door, as well as the administration's.

I offer this bill in the hope that we will take the first step toward eliminating inefficiency in Government. This bill takes a two-pronged approach. It is time that Congress and the administration stop blaming each other for the mess we are in. And, start working together to change the way we do business. We have a responsibility to the American taxpayers, and it is time we see that they get the biggest bang for their tax dollars.

I ask unanimous consent that a chart on Why Business Can Advise Government and the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHY BUSINESS CAN ADVISE GOVERNMENT

Function/item	Federal Government	Private sector	Federal Government failures relative to private sector
(1) Lending money	$764.6 billion loans outstanding	$1,500.0 billion loans outstanding	HUD makes only 3 attempts to collect loans versus 24 to 36 tries in the private sector; 41 percent delinquency rate on current Federal receivables.
(2) Timberland management	105 million acres	347 million acres	The U.S. Forest Service gave away $235 million of firewood in 1981, 24.5 percent of total commercial timber harvested.
(3) Grazing land management	163 million acres	587 million acres	Federal grazing program collected $15 million in grazing fees while providing $41 million in services recovering only 36.6 percent of costs.
(4) Hospital management	177,000 beds	1,481,000 beds	VA hospital in the Bronx cost $191,300 per bed, about double the $97,400 per bed spent constructing the comparable Duke University Hospital.
(5) Nursing home management	71,000 beds	1,029,000 beds	The VA spends $61,250 per bed to construct nursing homes—almost 4X the $16,000 per bed cost of a major private sector nursing home operator.
(6) Automated data processing	250,000 ADP employees	2,000,000 plus ADP employees	Half the government's computers are so old that manufacturers no longer service them. Additional personnel expenses amount to $600 million annually.
(7) Inventory management	$41 billion (over 99 percent in DOD)	$806 billion	Private sector inventory replenishment techniques would save the government $4.5 billion over three years.
(8) Electric power	244.0 billion KWH	2,019.0 billion KWH	Government subsidized power, sold at one-third market rates, costs industrial users only 2.45 cents per kwh in the Northwest compared to 12.09 cents per kwh paid in San Diego for power generated by the private sector.
(9) Borrowing money	$1,381.9 billion national debt	$420 billion corporate bonds outstanding	Federal borrowing from the public of $135.0 billion in 1982 was 33.0 percent of the $408.7 billion raised in U.S. credit markets.
(10) R&D funding	$38.5 billion	$36.1 billion	Government R&D bureaucracy requires that Oak Ridge researchers consult 114 DOE offices for funding approval.
(11) Transportation of persons	$5.2 billion	$20.4 billion (non-user operated transportation).	Since 1955 the government has been prohibited from using private sector travel agents and benefitting from their expertise; a 1980 DOD plan for a professional travel service was rejected by Congress. The government did not issue credit cards for travelers until we recommended it.
(12) Payroll	$61.8 billion civilian payroll	$1,090.0 billion payroll	It costs the Army $4.20 to process a payroll check vs. $1.00 average in the private sector.
(13) Freight handling	$5 billion	$30 billion	The Federal government does not negotiate volume discounts on its enormous freight charges.
(14) Building maintenance	2.6 billion square feet	10 plus billion square feet	The General Services Administration employs 17X as many people and spends almost 14X as much on total management costs as a comparable private sector firm.
(15) Pension benefits	$19.5 billion civil service (CSRS)	$300 billion	Pension benefits for the CSRS are 3 times those in the private sector.
(16) Pension fund assets	$96.1 billion civil service (CSRS)	$481.1 billion	CSRS rate of return in 1980 was 7.4 percent compared to 14 percent and over for a majority of private sector plans.
(17) Vehicles managed	436,338 nonmilitary	155,900,000 motor vehicles privately and commercially owned.	Average utilization of Federal vehicles (excluding USPS) is 9,000 miles per year. However, effective utilization, per private rental firms, is considered to be 25,000 miles per year or 2.8 times Federal vehicle utilization. Failure to recondition vehicles prior to resale, as is common in the private sector, lowers the government's resale revenues by $15.8 million over three years.
(18) Procurement	$159 billion	$2 trillion	Lack of competition or control in Federal contracts results in the Pentagon paying $91 for a 3 cent screw, et cetera, et cetera.
(19) Foreign exchange	$10 billion	$181 billion	Hedging against foreign currency changes versus other industrial countries could save the government $438 million over three years.

S. 2508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Cost Control Act of 1984".

SEC. 1. Congress hereby determines that—

(a) not later than June 1, 1984, the Senate Committees named in subsections (b) through (j) of this bill shall submit legislation to Congress carrying out budget savings as achieved through the recommendations of the President's Private Sector Survey on Cost Control.

COST SAVINGS BY COMMITTEES

(b) the Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, to require reductions in budget authority and outlays, or (C) any combination thereof, as follows: $1,900,000,000 in budget authority and $590,000,000 in outlays in fiscal year 1985; $1,500,000,000 in budget authority and $790,000,000 in outlays in fiscal year 1986; and $1,600,000,000 in budget authority and $950,000,000 in outlays in fiscal year 1987.

(c) the Senate Committee on Armed Services shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, to require reductions in budget authority and outlays, or (C) any combination thereof, as follows: $245,000,000 in budget authority and $236,000,000 in outlays in fiscal year 1985; $260,000,000 in budget authority and $300,000,000 in outlays in fiscal year 1986; and $280,000,000 in budget authority and $310,000,000 in outlays in fiscal year 1987.

(d) the Senate Committee on Commerce, Science, and Transportation shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, to require reductions in budget authority and outlays, or (C) any combination thereof, as follows: $810,000,000 in budget authority and $710,000,000 in outlays in fiscal year 1985; $780,000,000 in budget authority and $810,000,000 in outlays in fiscal year 1986; and $800,000,000 in budget authority and $800,000,000 in outlays in fiscal year 1987.

(e) the Senate Committee on Energy and Natural Resources shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, to require reductions in budget authority and outlays, or (C) any combination thereof, as follows: $80,000,000 in budget authority and $80,000,000 in outlays in fiscal year 1985; $345,000,000 in budget authority and $345,000,000 in outlays in fiscal year 1986; and $960,000,000 in budget authority and $960,000,000 in outlays in fiscal year 1987.

(f) the Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to

achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, to require reductions in budget authority and outlays, or (C) any combination thereof, as follows: $320,000,000 in budget authority and $560,000,000 in outlays in fiscal year 1985; $595,000,000 in budget authority and $1,200,000,000 in outlays in fiscal year 1986; and $3,300,000,000 in budget authority and $5,600,000,000 in outlays in fiscal year 1987.

(g) the Senate Committee on Government Affairs shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, to require reductions in budget authority and outlays, or (C) any combination thereof, as follows: $175,000,000 in budget authority and $2,000,000,000 in outlays in fiscal year 1985; $370,000,000 in budget authority and $2,300,000,000 in outlays in fiscal year 1986; and $390,000,000 in budget authority and $2,400,000,000 in outlays in fiscal year 1987.

(h) the Senate Committee on Labor and Human Resources shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, to require reductions in budget authority and outlays, or (C) any combination thereof, as follows: $2,100,000,000 in budget authority and $1,800,000,000 in outlays in fiscal year 1985; $2,200,000,000 in budget authority and $2,600,000,000 in outlays in fiscal year 1986; and $2,200,000,000 in budget authority and $2,800,000,000 in outlays in fiscal year 1987.

(i) the Senate Committee on Small Business shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(C)(2)(C) of Public Law 93-344, to require reductions in budget authority and outlays, or (C) any combination thereof, as follows: $170,000,000 in budget authority and $5,000,000 in outlays in fiscal year 1985; $95,000,000 in budget authority in fiscal year 1986; and $100,000,000 in budget authority and $10,000,000 in outlays in fiscal year 1987.

(j) the Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, to require reductions in budget authority and outlays, or (C) any combination thereof, as follows: $310,000,000 in budget authority and $300,000,000 in outlays in fiscal year 1985; $345,000,000 in budget authority and $370,000,000 in outlays in fiscal year 1986; and $490,000,000 in budget authority and $425,000,000 in outlays in fiscal year 1987.

RECOMMENDATIONS FOR COST SAVINGS

SEC. 2. The legislation to achieve the savings in Sec. 1 subsections (b) through (j) shall be based on the recommendations of the President's Private Sector Survey on Cost Control as reviewed by both the Congressional Budget Office and the General Accounting Office. These recommendations are not binding on the committees, and include the following:

(a) The Senate Committee on Agriculture:

Reduce Commodity Credit Corporation Inventories (ASSET-5)

Revise the family makeup for the thrifty food plan (AG-9)

Replace direct loan programs with loan guarantees (ASSET-18)

Improve income verification in means-tested programs (LISAB-4)

(b) The Senate Committee on Armed Services:

Revise DoD financial accounting and management (USAF-1)

Remove restrictions on silver stockpile sales (CONG-3-1)

Recover military medical care costs from private health insurers (HOSP-11)

Reduce DoD oversight of contractor's independent research and development costs (OSD-18)

Increase dual-sourcing of weapons programs (NAVY-3, USAF-20)

Establish and maintain efficient weapons' production rates (OSD-21, 23, NAVY-1, ARMY-11)

(c) The Senate Committee on Commerce, Science, and Transportation:

Impose user fees for certain U.S. Coast Guard services (PRIV-8, TRANS-19, USER-16)

Consolidate Federal highway program categories (TRANS-6)

Increase private participation in the commercial uses of space (PRIVATE-3)

(d) The Senate Committee on Energy and Natural Resources:

Improve procurement policies for the Strategic Petroleum Reserve (ENERGY-7)

Improve management of Outer Continental Shelf oil and gas leasing program (LAND-1)

Reduce costs of Power Marketing Administrations (PRIV-2, ENERGY-19, USER-5)

(e) The Senate Committee on Finance:

Recover military medical care costs from private health insurers (HOSP-11)

Require prospective payment systems for Medicaid hospital reimbursement (LISAB-8)

Limit growth in health-care costs to GNP growth (MEDIC-1)

Tighten Social Security disability claims process (SSA-10)

Improve income verification in means-tested programs (LISAB-4)

(f) The Senate Committee on Government Affairs:

Restrict short-term and long-term disability benefits for Federal employees (PER-4, RETIRE-3, RETIRE-4-3)

Change Civil Service Retirement Accounting and

Investment Practices (RETIRE-7, 8)

Reduce paid annual leave benefits for Federal employees (PER-3)

Sell unneeded public land (INT-1)

(g) The Senate Committee on Labor and Human Resources:

Require multiple disbursements of Guaranteed Student Loans (ED-1-2)

Increase the origination fee on Guaranteed Student Loans (ASSET-19)

Consolidate the Department of Education's student loan programs (ED-1-1)

Eliminate Federal subsidy for Railroad Retirement windfall benefits (BANK 12)

Reduce the deficit for the Pension Benefit Guaranty Corporation (BANK 1, 2, 3, 4, 5)

Repeal Davis Bacon Act (LABOR-12, USAF-15, and WAGE-1)

Repeal the Service Contract Act (USAF-14, LABOR-14, WAGE-3)

(h) The Senate Committee on Small Business:

Replace direct loan programs with loan guarantees (ASSET-18)

(i) The Senate Committee on Veterans' Affairs:

Increase cost recovery for medical care by VA and IHS (HOSP-12, HOSP-13)

Phase out VA health-care facility construction (HOSP-5, PRIV-4)

COST SAVINGS BY ADMINISTRATIVE ACTION

SEC. 3. (a) The Administration shall review the recommendations of the President's Private Sector Survey on Cost Control which require administrative or presidential action to implement, and adopt a sufficient quantity to achieve cost savings of (A) $6,000,000,000 in fiscal year 1985, $9,000,000,000 in fiscal year 1986, and $14,000,000,000 in fiscal year 1987; or (B) a total of $29,000,000,000 over the three years beginning with fiscal year 1985.

(b) The President's Private Sector Survey on Cost Control recommendations reviewed by both the Congressional Budget Office and the General Accounting Office that could achieve these savings include:

Consolidate or close bases and/or base activities (OSD-4, 8, 9)

Coordinate and automate state welfare data (LISAB-5)

Increase debt collection through outside efforts (ASSET-28)

Charge interest and penalties on delinquent debt (ASSET-29)

Apply market practices to Federal direct lending (ASSET-11)

Encourage electronic transfer of Federal funds (ASSET-6)

Reduce size of government vehicle fleets (PRIV-7)

Make timely payments for procurement and grants (ASSET-4)

Step-up Federal contracting out for support services (PER-12, PROC-18, EX-1, CONG-4, 7)

(c) The Administration shall act to expedite and administer provisions of the laws enacted pursuant to this bill.

By Mr. RUDMAN (for himself and Mr. INOUYE):

S. 2509. A bill to amend the Federal Election Campaign Act of 1971 to regulate political advertising in campaigns for Federal elective office; to the Committee on Rules and Administration.

FAIRNESS IN POLITICAL ADVERTISING ACT

● Mr. RUDMAN. Mr. President, the 1982 California Senate campaign was, at that time, the most expensive race in congressional history. The candidates, our colleague PETE WILSON and his then opponent Edmund G. (Jerry) Brown, Jr., spent over $12 million in their efforts to secure the Senate seat left vacant upon the retirement of Senator Hayakawa. Their combined advertising budgets totaled approximately $8 million, two-thirds of the total spent by both men. Of the combined advertising budgets, $7.3 million was spent on TV advertising. Put another way, 91 percent of the advertising budgets of both candidates was al-

located to TV advertisement, and that total constituted 60 percent of the total campaign costs incurred by both candidates. In the words of George Gorton of the California Group, the San Diego consulting firm that ran Wilson's campaign, "if a campaign doesn't spend at least 50 percent on advertising—most of it on TV—in California, then it is a losing campaign."

The figures I have just recited are startling, but they represent only a hint of what we will see in the future if we do not act to change the methods by which congressional campaigns are conducted in this country. The estimates that I have seen suggest that between them our colleague Senator HELMS and his Democratic opponent, North Carolina Gov. James B. Hunt will spend between $20 and $30 million for the Senate election to occur in November of this year. Although only a retrospective analysis will yield an exact figure, I suspect that more than 50 percent of those campaign dollars will be spent on TV advertising.

The increase in TV advertising budgets relates not only to the increasing costs for TV time, costs which have escalated some 600 percent since 1972, but to the increasing use of that which I shall identify, generously, as "creative advertisements." I do not think I have to be more specific than I have with respect to the term; we all know to what I refer. Anyone who has run for a congressional seat in the last 6 years has used "creative advertisements." The rules allow them, and they have proven to be effective. Under the present law, a candidate who does not use them is foolish and risks an election day defeat. However, that does not mean that such advertisements are beneficial or necessary to the congressional election process. If the rallying cry of this election period is "where's the beef?" its corollary ought to be "and hold the bull when you finally serve it."

It is time for us to recognize that the governing process is serious business and deserves a serious approach to the voters called upon to make decisions as to how that process shall function. It is time for us to do away with actors and actresses and lavishly staged backdrops in our TV advertisements. Let each candidate, or one individual clearly associated with the candidate, stand before the TV camera and deliver whatever message it is that he or she wants to deliver. Let us put an end to the attempted manipulation of the electorate by use of fictional characters and scenery. Let us return communication with our constituencies to its most basic form, direct statements containing simple, declarative statements as to what a candidate does or does not believe. Such a process would insure a more knowledgeable electorate, smaller campaign budgets, a greater number of qualified candidates less beholden to special interest groups capable of raising huge sums of money to fuel exorbitant, theatrical campaigns, and a country more secure in its democratic form of government.

My belief in the rectitude of what I have said is the reason that I am proud today to join with my colleague from Hawaii, Senator INOUYE, in introducing the Fairness in Political Advertising Act. The bill has been carefully crafted to insure its constitutionality and addresses only the manner in which TV advertisements may be presented. It does not seek to control either content or budget. However, Senator INOUYE and I both believe that if the provisions of the bill are adhered to, candidates will find it less necessary to spend such vast sums of money to produce and air theatrical advertisements, and will be more likely to speak directly to the specific issues of concern to their constituencies. Our country cannot be but well served by such legislation.●

● Mr. INOUYE. Mr. President, today, I join Senator RUDMAN in introducing an amendment to the Federal Election Campaign Act which would establish a uniform format for political television advertising of less than 10 minutes in campaigns for Federal office. Essentially, the bill would require that the purchaser of such advertisements, or his identified designee, speak to the camera for the duration of the advertisement. It would restrict the backgrounds of such advertisements to such nonprerecorded materials as can be captured through the same lens as is photographing the speaker.

The purpose of this bill is to make television political campaigns less a function of Madison Avenue and more a contest of ideas. It reflects the assumption that the relevant content of political advertising is the candidate—the quality of his character, ideas, and record—rather than the techniques of packaging and sale.

The bill is also intended to result in the reduction or reallocation of campaign expenses. Serious political candidates must today rely on media consultants to plan and package their television-based campaigns and spend between 25 to 50 percent of their television budget on production expenses. At very least, a reduction of these costs would permit a reallocation of funds for more direct citizen-contact campaigning and may ultimately reduce the costs of the campaign itself.

And, perhaps most significantly, the measure squarely addresses the fact that the use of television as a powerful and expensive political tool is an area that, to date, remains virtually unregulated and unexamined.

It is no secret that since the advent of television as the primary medium of communications and campaigning, and despite a general liberalization of laws governing registration and access to voting, voter participation has diminished. While there are no studies to show a direct causal relationship, I believe that it can fairly be concluded that some of this is attributable to transforming the average citizen from an active participant in the political process into a spectator-consumer of televised messages.

These messages have replaced, with some exceptions, substantive debate. Political campaigns are increasingly competitions between political consultants rather than political candidates. Talking cows have replaced talking candidates. Actors playing parts have replaced the public's right to know the real actors in our politics. The consultant industry has, in many cases, supplanted the political party as the point of entry into politics, leading to the weakening of political parties not only in the selection of candidates and conduct of campaigns, but also in their ability to form a coherent consensual program or discipline membership for its achievement.

Much of the monumental increase in campaign costs is, of course, directly attributable to the increased use of television advertising in political campaigns. While the method of reporting campaign expenditures to the Federal Elections Commission makes accurate figures on campaign spending for television advertising difficult to retrieve, the relationship between increased campaign costs and increased expenditures on television advertising is inescapable. Whereas media costs averaged between 20 to 40 percent of the average campaign budget before television, they now occupy, in those races in which television is relevant, between 60 to 75 percent of similar budgets now. While the overall increase in campaign spending in general elections has doubled since 1972, the amount spent on television advertising has increased fivefold. I believe that it is time to begin to control these costs and examine and limit the medium's adverse potential.

The most obvious objection to the measure lies with our appropriate concern for preserving the first amendment. Political speech is, of course, supreme among the types of speech protected by the Constitution. But, as with all communication transmitted via television across our public airways, the relevant inquiry is, and should be, whether the rights of the viewer to information, expression, and choice are enhanced and preserved by the regulation of this medium. The proposed measure in no way limits the substantive content of what can be communicated. Rather, it arguably addresses only the manner in which relevant information is conveyed. I am not a legal scholar, but because I believe that the bill would, in fact, enhance

the quality and substance of political information conveyed to the public without depriving anyone of the right to communicate meaningful political content, I find that it does no offense to the intent of the first amendment.

Mr. President, every other democracy in the world has some regulation on political advertising as to either time or manner. I urge my colleagues to join Senator RUDMAN and me in supporting this modest attempt to preserve the vitality and dignity of our own democratic process.●

By Mr. QUAYLE (for himself, Mr. EAGLETON, Mr. HATCH, and Mr. KENNEDY):

S. 2510. A bill to authorize the establishment of an endowment fund at Howard University, and for other purposes; to the Committee on Labor and Human Resources.

HOWARD UNIVERSITY ENDOWMENT ACT

● Mr. QUAYLE. Mr. President, today I am introducing along with my colleagues, Senators EAGLETON, HATCH, and KENNEDY, a bill to authorize Howard University to establish an endowment fund to help insure continued viability of the university.

This legislation does not authorize any new expenditures of funds, rather it authorizes a new use of those funds to increase the university's resources and ultimately to decrease the university's reliance on Federal dollars.

The legislation would permit Howard University to use up to $2 million of its annual Federal appropriation to create an endowment fund. Currently, Howard University does not have an endowment fund, and because it receives funds under its own authorization, is not permitted to apply for endowment grants under the recently enacted Higher Education Act's title III endowment program. Howard University would be required to match the Federal contribution to the endowment dollar for dollar with non-Federal funds. Under this program (and similar to the title III program), Howard University could use up to 50 percent of interest earned on the endowment fund for expenditures necessary to the operation of the university, including expenses of maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, and technical assistance.

The availability of this money will provide Howard University with more flexibility, provide help with their fundraising efforts, and provide eventually a source of funds independent from its basic Federal grant. The bill also provides that if Howard University spends any of the endowment capital, the Secretary of Education can recover those funds. The bill also contains certain prescriptions relating to sound investment, fiscal and accounting procedures.

An endowment is one of the key components in a college's or university's success and long life. Without it, a college lives from hand to mouth with no resources to fall back on. Allowing Howard to use up to $2 million to create an endowment is a step in increasing the self-reliance of the university and of insuring its existence as one of our Nation's premier institutions of higher education.●

By Mr. NICKLES:

S. 2511. A bill to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest held by the United States in certain lands located in Payne County, Okla., and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

RELEASE OF CERTAIN FEDERAL LANDS

Mr. NICKLES. Mr. President, today I am introducing legislation that would lift a public use restriction on certain acreage that was deeded to Oklahoma State University by the U.S. Department of Agriculture in exchange for placing an identical restriction on another parcel of land that the university owns outright. This second parcel of land is now used for grazing purposes and livestock research by the College of Agriculture at OSU. This uses clearly falls within the definition of public use as defined in USDA.

This legislation is necessary for the following reason. The university wishes to deed over to the Oklahoma State University Foundation the parcel of land on which the public use restriction now applies. Therefore, although the university owns the land, that restriction prohibits them from conveying the land to the OSU Foundation, a private and nonprofit organization. By transferring the public use restriction from this parcel of land to the second parcel, OSU would be able to convey the land to the OSU Foundation and open areas would still be assured by this restriction on the second parcel.

Although it might be obvious, I would like to point out that this bill would not cost the U.S. taxpayers anything. In fact, the public would actually gain since the actual parcel on which the restriction would be placed is larger than the parcel on which it now exists.

I would like to take this opportunity, Mr. President, to thank the staff of the Agriculture Committee and also Max Peterson, Chief of the Forest Service, and his staff at USDA for their assistance in the drafting of this legislation. I also wish to thank in advance the members of the Agriculture Committee and my colleagues in the Senate for their consideration of this legislation.

I thank the Chair and ask unanimous consent that the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) subject to section 2, the Secretary of Agriculture shall release, on behalf of the United States, with respect to the tracts of land described in subsection (b), the condition contained in a deed dated December 13, 1954, and recorded on December 21, 1954, in deed book 155 DR beginning at page 125 in the land records of Payne County, Oklahoma, and as corrected by a Correction Deed dated December 31, 1963, and recorded on January 13, 1994, in deed book 184 DR beginning at page 465 in the aforesaid land records, between the United States of America and the Board of Regents for the Oklahoma Agricultural and Mechanical College, subsequently renamed Oklahoma State University, conveying certain tracts of land, of which such described tracts of land are a part, to such university, which requires that the tracts of land conveyed be used for public purposes and revert back to the United States should the tracts of land cease to be used for such purposes.

(b) The tracts of land referred to in subsection (a) are described as follows: Approximately 960 acres, more or less, located at Indian Base Meridian; Township 19 North; Range 1 East; and as more fully delineated in the agreement entered into in accordance with section 2 of this Act.

SEC. 2. The Secretary of Agriculture shall release the condition referred to in section 1(a) of this Act only with respect to land covered by and described in an agreement entered into between the Secretary and the Board of Regents of Oklahoma State University in which the university, in consideration of the release of such condition, agrees to transfer such condition to other lands containing approximately equal acreage owned by the university and to specify such lands in the agreement.

By Mr. CHAFEE (for himself, Mr. HATFIELD, Mr. CHILES, and Mr. HOLLINGS):

S. 2512. A bill to establish a program to improve the leadership and management skills of school administrators, and for other purposes; to the Committee on Labor and Human Resources.

LEADERSHIP IN EDUCATIONAL ADMINISTRATION DEVELOPMENT ACT OF 1984

● Mr. CHAFEE. Mr. President, in the drive to improve the level of achievement in American schools, the leadership skills of elementary and secondary school administrators are being tested as never before. Today, I join with Senators HATFIELD, CHILES, and HOLLINGS in introducing legislation to provide career development opportunities for principals and other school administrators.

"Leadership" is a term we have heard repeatedly during the school improvement debate. In setting a new course for American education, leadership here in Washington and from State and local governments is vitally important. But leadership must begin

in the schools themselves. We need leaders—those who unify and motivate both faculty and students—in every school building in the country.

Although studies on American education do not identify any single ingredient for success in improving schools, they do indicated that our most effective schools are those characterized by strong leadership by the school principal. The principal sets a school's instructional objectives, strengthens the commitment of teachers, evaluates school achievements, and takes corrective action when they fall short.

Management abilities are closely linked with personal leadership qualities in the school principal. The ways in which a principal allocates time and resources, evaluates staff, administers the budget, and handles paperwork contribute significantly to his or her success at improving the schoolwide learning environment.

The administration, Congress, State and local leaders, and citizens across the Nation have called for a renewed commitment to improving educational quality. Many factors will help strengthen this commitment. The Leadership in Educational Administration Development Act of 1984 establishes a program to help equip administrators for the challenge by enhancing their managerial, evaluation, communication, budgetary, and human relations skills.

The LEAD bill enables organizations with school management training capabilities to seek Federal support for the establishment of training programs. Institutions of higher education will be able to compete for Federal grants to create technical assistance centers in each of the 10 Federal regions, affiliated with a local college or university and drawing on established expertise in the fields of education and business administration. In addition to these regional centers, funds will be available for the establishment of metropolitan training centers by local school districts, State education agencies, nonprofit groups, or private management organizations experienced in enhancing the professional development of school administrators.

These training centers will conduct workshops emphasizing the unique combination of educational and managerial skills which are required for effective school administration. The programs will train administrators to set educational goals and strategies to attain them; to master objective techniques for evaluating teacher performance; to assess the effectiveness of the school curriculum; to improve the quality of instruction through analysis and classroom observation; to improve the administrative abilities necessary for effective school leadership—communications, consensus-building, time-management, budgetary, disciplinary, and other skills.

Administrators already at work as well as those newly entering this challenging field will be served by the centers. Programs will feature instructors from both the academic and business communities and will also offer training by practicing administrators with proven records in outstanding school districts. The centers will collect and disseminate information about leadership skills associated with successful schools, and offer internships for participants in business, industry, and established effective schools.

This legislation is designed to provide seed money to establish these centers as permanent laboratories for training and research in effective school leadership. The competitive nature of the program will help to insure that the best proposals are funded. Those submitting proposals must obtain 50-percent matching funds and demonstrate a commitment to continue operating the program after Federal funds expire. Once their effectiveness has been demonstrated, these centers should succeed in generating sufficient support from public and private sources to provide ongoing programs for school administrators.

The importance of administrative leadership in schools has been stressed in several major studies of our problems in education in the past year. School leadership was emphasized in the report of the Task Force on Education for Economic Growth of the Education Commission of the States, which reported:

> In study after study, it has been shown that one key determinant of excellence in public schooling is the leadership of the individual school principal. In those schools where the principal is well-trained, highly motivated and zealously devoted to inspiring excellence among teachers and students, the effect is bracing—even in ghetto schools whose facilities are inadequate and whose students come from poor families . . .
>
> Specifically, we urge that each State examine and improve its programs for training school principals and aspiring principals, and that effective new programs be established to train principals in effective educational management . . .
>
> We recommend that school systems expand and improve, at every level of administration, their use of effective management techniques. Business can help here, with exchange programs and other collaborative efforts to train school managers and to keep school officials abreast of the latest techniques in fiscal and personnel management . . .

Good administrative leadership is a key to good schools. The bill we are introducing today can help to improve the climate for learning in American schools without greatly expanding the Federal role or unduly interfering with local prerogatives. Although other important elements must contribute to the improvement of schools, this type of training initiative can bolster that key ingredient of leadership.

Companion legislation has been introduced in the House by Representatives PETRI and GOODLING. The bill provides a sound opportunity for Congress to renew its commitment to improving the quality of education in the United States. Mr. President, I ask unanimous consent that the Leadership in Educational Administration Development Act of 1984 appear in full at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; PURPOSE

SECTION 1. (a) This act may be cited as the "Leadership in Educational Administration Development Act of 1984."

(b) It is the purpose of this Act to improve the level of student achievement in elementary and secondary schools through the enhancement of the leadership skills of school administrators by—

(1) establishing regional technical assistance centers to promote the development of the leadership skills of elementary and secondary school administrators; and

(2) establishing a program to assist local educational agencies and other organizations in forming metropolitan training centers to promote such development.

(c) It is the intention of Congress that contractors seeking to establish technical assistance and training centers should design programs which upgrade the skills of elementary and secondary school administrators in—

(1) enhancing the schoolwide learning environment by assessing the school climate, setting clear goals for improvement, and devising strategies for completing manageable projects with measurable objectives;

(2) evaluating the school curriculum in order to assess its effectiveness in meeting academic goals;

(3) developing skills in instructional analysis to improve the quality of teaching through classroom observation and supervision;

(4) mastering and implementing objective techniques for evaluating teacher performance; and

(5) improving communication, problem-solving, student discipline, time-management, and budgetary skills.

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) There are authorized to be appropriated to carry out this Act such sums as may be necessary for fiscal year 1985 and each of the five succeeding fiscal years.

(b) Of the amount appropriated pursuant to subsection (a) for any fiscal year, the Secretary shall first make available such amount, not to exceed $1,500,000 per region, as may be necessary for establishing and operating a regional technical assistance center in each Federal region under section 3 of this Act. An amount not to exceed $10 million shall be available for carrying out section 4 of this Act.

REGIONAL TECHNICAL ASSISTANCE CENTERS

SEC. 3. (a) The secretary shall, subject to the availability of funds pursuant to section 2, enter into a contract with an institution of higher education (or consortium of such institutions) in each Federal region for the

establishment and operation of a regional technical assistance center in accordance with the requirements of this section and section 5. The contractor may associate with a private management agency for performance of such contract.

(b) Each contract entered into under subsection (a) shall require the contractor—

(1) to make the services of the technical assistance center available to school administrators from any of the local educational agencies located within the Federal region served by that contractor;

(2) to collect information on school leadership skills;

(3) to assess the leadership skills of individual participants based on established effective leadership criteria;

(4) to conduct training programs on leadership skills for new school administrators and to conduct training seminars on leadership skills for practicing school administrators, with particular emphasis on women and minority administrators;

(5) to operate consulting programs to provide within school districts advice and guidance on leadership skills;

(6) to maintain training curricula and materials on leadership skills drawing on expertise in business, academia, civilian and military governmental agencies, and existing effective schools;

(7) to conduct programs which—

(A) make available executives from business, scholars from various institutions of higher education, and practicing school administrators; and

(B) offer internships in business, industry, and effective school districts to school administrators,

for the purpose of promoting improved leadership skills of such administrators;

(8) to disseminate information on leadership skills associated with effective schools; and

(9) to establish model administrator projects.

(c) In making a selection among applicants for any contract under this section, the Secretary shall take into account whether the applicant, if selected, would be able to operate its programs in a manner which would—

(1) emphasize development of leadership skills identified by graduate schools of management and graduate schools of education; and

(2) assure the provision of assistance to school administrators from local educational agencies in which the number of pupils in the average daily attendance is less than two thousand five hundred.

METROPOLITAN TRAINING CENTERS

SEC. 4. (a)(1) The Secretary shall, subject to the availability of funds pursuant to section 2, enter into contracts with local educational agencies, intermediate school districts, State educational agencies, institutions of higher education, private management organizations, or nonprofit organizations (or consortium of such entities) for the establishment and operation of training centers in eligible local educational agencies in accordance with the requirements of this section and section 5.

(2) For purposes of paragraph (1), the term "eligible local educational agency" means any local educational agency all or any part of which is located within a standard metropolitan statistical area with a population of 250,000 or more.

(b) Each contract entered into under subsection (a) shall require the contractor—

(1) to make the services of the training center available on an equitable basis, taking into account the contribution of the various local educational agencies to the cost of the center, to school administrators from each of the local educational agencies located, in part or in whole, within the standard metropolitan statistical area served by that contractor;

(2) to perform the same functions as are required of contractors pursuant to paragraphs (2) through (8) of section 3(b); and

(3) to take such actions as may be necessary to coordinate the contractor's operations with the regional technical assistance center for that contractor's Federal region for the purpose of sharing resources and avoiding duplication of services.

(c) In making a selection among applicants for any contract under this section, the Secretary shall—

(1) accept only the applications which demonstrate the existence of a prior agreement, among local educational agencies with more than one-half of the pupils in average daily attendance within the standard metropolitan statistical area to be served by the training center, to utilize the center;

(2) take into account whether the applicant, if selected, would be able to operate its programs in a manner which would—

(A) emphasize the provision of assistance to school administrators from local educational agencies in which the number of pupils in average daily attendance is more than 2,500; and

(B) give preference, in the provision of such assistance, to consortia of local educational agencies.

GENERAL CRITERIA FOR CONTRACTS

SEC. 5. (a) The following conditions shall apply to each contract under sections 3 and 4:

(1) The contract shall assure the involvement of private sector managers and executives in the conduct of such programs.

(2) The contract shall contain assurances of an ongoing organizational commitment to carrying out the purposes of this Act through (A) obtaining matching funds for such programs at least equal in amount to the amount of funds provided under this Act, (B) making in-kind contributions to such programs. (C) demonstrating a commitment to continue to operate such programs after expiration of funding under this Act, and (D) organizing a policy advisory committee including (but not limited to) representatives from business, private foundations, and local and State educational agencies.

(3) The contract shall demonstrate the level of development of human relations skills which its programs will instill by (A) identifying the credentials of the staff responsible for such development; (B) describing the manner in which such skills will be developed; and (C) describing the manner in which the program deals with human relations issues facing education administrators.

(4) The contract shall establish a system for the evaluation of the programs conducted.

(b) Each contract under sections 3 and 4 shall be for a term of three years, subject to the availability of funds pursuant to section 2. Such contract shall not be renewable, except that a single three-year extension may be granted if the contractor agrees to maintain the programs with assistance under this Act reduced by one-half.

(c) In the case of contracts entered into pursuant to section 4, the non-federal matching contribution may be in cash or in-kind.

REGULATIONS

SEC. 6. The Secretary is authorized to prescribe such regulations as may be necessary to carry out this Act.

DEFINITIONS

SEC. 7. For the purposes of this Act—

(1) the term "Secretary" means the Secretary of Education;

(2) the term "institution of higher education" has the meaning provided by section 1201 of the Higher Education Act of 1965;

(3) the term "Federal region" means a Federal region as established under circular A-105 prescribed by the Director of the Office of Management and Budget, or a successor thereto;

(4) the term "school administrator" means a principal, assistant principal, district superintendent, and other local school administrators;

(5) the term "local educational agency" has the meaning provided by section 595 of the Omnibus Budget Reconciliation Act of 1981; and

(6) the term "leadership skills" includes, but is not limited to, managerial, administrative, evaluative, communication and disciplinary skills and related techniques.●

By Mr. DURENBERGER (for himself, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. BRADLEY, and Mr. HUMPHREY):

S. 2513. A bill to amend the Safe Drinking Water Act to protect groundwater resources and to prevent leaks and releases from underground storage tanks; to the Committee on Environment and Public Works.

LEAKING UNDERGROUND STORAGE TANKS

● Mr. DURENBERGER. Mr. President, it is becoming increasingly apparent that pollution of the Nation's ground waters is a serious and growing problem. Although ground water remains an essentially pristine and uncontaminated resource throughout most of the United States, pollution is increasing, especially in urban areas. The bill which I am introducing today, along with my colleagues Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. BRADLEY, and Mr. HUMPHREY, attempts to deal with one major source of contamination, underground storage tanks.

Gasoline is one of the most common causes of ground water pollution, and much of this may be attributed to underground storage tanks which are leaking. For example, Maine officials have estimated that of the roughly 5,000 active service stations in that State, about 25 percent have leaking storage tanks. While Maine is in only the first stages of responding to this problem, other States such as California and Florida, have already acted to protect ground waters from leaking storage tanks.

Experts in the field have estimated that there are between 75,000 and 100,000 leaking tanks in the country, with the number increasing every day. The potential contamination from these leaking tanks is overwhelming. A leak of only 1 gallon a day from a

single service station is enough to pollute the water of a 50,000 person community to 100 parts per billion, according to the Environmental Protection Agency.

The bill which I and my colleagues are introducing today amends S. 757, the Safe Drinking Water Act. This bill would amend the act by adding a new part F to deal with leaking underground storage tanks. A tank is defined so that smaller containers—those of 1,100 gallons or less—are excluded from the program, as are those tanks in which heating oil is stored for consumptive use on the premises. Although such tanks are not covered by the regulatory program of this proposal, the bill does require the Environmental Protection Agency to conduct a study of the hazards created by such tanks.

The bill also requires that an inventory of both operational and abandoned storage tanks be prepared so that we can gage more accurately the full extent of the problem facing us. Tanks which are in operation would be required to register with the State in which they are located. Each tank owner or operator would be required to maintain either a leak detection system or an inventory system adequate to identify releases. Second, the proposal would establish technology standards for new underground storage tanks. First, the installation of the common but less adequate tanks—those made of bare steel—would be prohibited unless the hydrogeology of the area is such that there is a minimal danger of corrosion. Finally, all tanks installed after the effective date would be required to meet performance standards developed by the Environmental Protection Agency. At the very least, these standards must require that tanks and pressure piping systems be equipped with leak detection systems.

Mr. President, it is our expectation that this program will be run by the State governments with very little Federal involvement. The bill is designed to assure that new tanks are built and installed as they should be and that old tanks are operated and maintained so that the possibility of leaks is minimized. Leaks which do occur should be detected quickly so that the chance of contamination is low.

We hope that this bill can be offered as an amendment to S. 757, amendments to the Resource Conservation and Recovery Act, when that bill is brought to the floor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

The Safe Drinking Water Act (title XIV of the Public Health Service Act) is amended by adding a new Part F as follows:

"PART F—REGULATION OF UNDERGROUND STORAGE TANKS CONTAINING SUBSTANCES OTHER THAN HAZARDOUS WASTE

"DEFINITIONS

"SEC. 1451. For the purpose of this Part, the term—

"(1) 'hazardous substance' means (A) any substance defined in Section 101(14) of Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (but not including substances regulated as hazardous wastes under the Solid Waste Disposal Act), (B) petroleum, including oil or any fraction thereof, and (C) natural gas liquids or gas liquids, except that the term "gas liquids" does not include propane or butane having in the container an absolute pressure exceeding 40 psia at 70°F;

"(2) 'owner or operator' means (A) in the case of an underground storage tank in use on the date of enactment of this amendment or brought into use after that date, any person owning or operating such tank, and (B) in the case of any underground storage tank previously in use but no longer in use on the date of enactment of this amendment, any person who owned, operated, or otherwise controlled such tank immediately prior to discontinuation of use;

"(3) 'person' means an individual, firm, corporation, association, partnership, trust, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body;

"(4) 'release' means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing into groundwater, surface water or subsurface soils;

"(5) 'underground storage tank' means any one or combination of tanks, including underground pipes connected thereto, which is used to contain an accumulation of hazardous substances and which is substantially or totally beneath the surface of the ground. This term does not include (i) farm or residential underground storage tanks of 1100-gallons or less capacity used for storing motor fuel for noncommercial purposes, (ii) underground storage tanks used for storing heating oil for consumptive use on the premises where stored, (iii) residential septic tanks, (iv) pipelines regulated under the Natural Gas Pipeline Act of 1968, as amended (49 U.S.C. 1671, et seq.), or (v) unenclosed surface impoundments, pits, ponds, lagoons or basins.

"NOTIFICATION AND CERTIFICATION

"SEC. 1452. (a)(1) OPERATIONAL UNDERGROUND STORAGE TANKS.—Within twelve months of the date of enactment, any owner of an underground storage tank for storing hazardous substances on the date of enactment shall notify the State or local agency or department designated pursuant to subsection (b)(1) of the existence of such tank, specifying the age, size, type, location, and uses of such tanks and any current or previous releases and corrective action.

"(2) NONOPERATIONAL UNDERGROUND STORAGE TANKS.—For any underground storage tank used for storing hazardous substances prior to the date of enactment but taken out of operation before such date, but after January 1, 1974, the owner of such tank shall, within twelve months of the date of enactment, notify the State or local agency or department designated pursuant to subsection (b)(1) of the existence of such tank (unless the owner or operator knows the tank subsequently was removed from the ground), specifying the date the tank was taken out of operation, the age on the date taken out of operation, the size, type and location of the tank, and the type and quantity of substances left stored in such tank on the date taken out of operation. This subsection shall not apply to tanks for which notice was given pursuant to section 103(c) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

"(3) Any owner or operator which installs or brings into use an underground storage tank after the initial notification under subsection (a)(1), shall notify the designated State or local agency or department within thirty days of installation or use.

"(b)(1) Within ninety days of enactment, the Governors of each State shall designate the appropriate State agency or department or local agencies or departments to receive the notifications under subsection (a).

"(2) Within one hundred and eighty days of enactment, the Administrator of the Environmental Protection Agency, in consultation with State and local officials designated pursuant to subsection (b)(1), shall prescribe in greater detail the form of the notice and the information to be included in the notifications under subsection (a).

"(3) If a Governor chooses not to designate a State agency or department or local agencies or departments pursuant to subsection (b)(1), the notifications under subsection (a) shall be submitted to the Administrator of the United States Environmental Protection Agency.

"(c) If the notification under subsections (a) (1) and (2) are submitted to a designated State or local agency or department, the State shall compile the submitted information into a comprehensive inventory and furnish such inventory to the Administrator within eighteen months of enactment.

"(d)(1) Within thirty months of enactment the Administrator or the appropriate official in a State with a program approved pursuant to Section 1457 shall issue a certificate to the owner of each tank for which a complete and valid notification was received pursuant to subsections (a) (1) or (3).

"(2) The Administrator or the appropriate official in a State with an approved program shall issue a certificate to the owner or operator of a tank installed or brought into use after the initial certification under subsection (d)(1) within thirty days of notification by the owner or operator.

"RELEASE DETECTION, PREVENTION, AND CORRECTION REGULATIONS

"SEC. 1453. (a) Not later than eighteen months after the date of enactment, the Administrator, after opportunity for public comment, shall promulgate release detection, prevention and correction regulations, applicable to all owners and operators of underground storage tanks used for storing hazardous substances, as may be necessary to protect human health and the environment. Such regulations shall include, but need not be limited to, requirements respecting—

"(1) maintaining a valid certificate for every operational underground storage tank;

"(2) maintaining a leak detection or inventory system and performing tank testing

necessary to identify releases from the underground storage tank;

"(3) maintaining records of any leak detection or inventory system or tank testing;

"(4) reporting of any releases and corrective action taken in response to a release from an underground storage tank;

"(5) standards of performance for new underground storage tanks which shall include, but not be limited to—

"(i) design, construction, location and installation requirements adequate to prevent or minimize any release of hazardous substances into the environment;

"(ii) a requirement that pressure piping systems be equipped with leak detection systems;

"(iii) a requirement that each tank be equipped with a leak detection system; and

"(iv) a requirement to notify the Administrator or appropriate State official in a State or with an approved program within thirty days of installation of the new tank;

"(6) taking corrective action in response to a release from an underground storage tank as may be necessary to protect human health and the environment;

"(7) the closure of tanks in order to prevent any future release into the environment; and

"(8) maintaining evidence of financial responsibility as may be necessary or desirable for taking necessary corrective action and for bodily injury and property damage to third parties caused by sudden and nonsudden accidental occurrences arising from operating an underground storage tank.

"(b) Until the effective date of the regulations promulgated by the Administrator under subsection (a) and after 180 days from the date of enactment, no person may install or begin using an underground storage tank for the purpose of storing hazardous substances unless such tank is cathodically protected against corrosion, constructed of a non-corrosive material, or contained in a manner designed to prevent the release into the environment of any stored hazardous substances.

"APPROVAL OF STATE PROGRAMS

"SEC. 1454. (a) Any State may submit an underground storage tank release detection, prevention, and correction program for review and approval by the Administrator. The State must demonstrate that the State program includes the requirements identified in Section 1453(a) and provides for adequate enforcement of compliance with such requirements. A State's new tank standards shall be no less stringent than the performance standards promulgated by the Administrator pursuant to Section 1453(5).

"(b)(1) Within 120 days of the date of receipt of a proposed State program, the Administrator shall, after notice and opportunity for public comment, make a determination whether the State's program includes the requirements identified in Section 1453 (a) and provides for adequate enforcement of compliance with such requirements.

"(2) If the Administrator determines that a state program includes the requirements identified in Section 1453(a) and provides for adequate enforcement of compliance with such requirements, he shall approve the State program and the State shall have primary enforcement responsibility with respect to requirements related to control of underground storage tanks used to store hazardous substances.

"(c) Whenever the Administrator determines after public hearing that a State is not administering and enforcing a program authorized under this Part in accordance with the requirements of Section 1453, he shall so notify the State, and, if appropriate action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw authorization of such program and reestablish enforcement of federal regulations pursuant to this Part.

"INSPECTIONS, MONITORING AND TESTING

"SEC. 1455. (a) For the purposes of developing or assisting in the development of any regulation or enforcing the provisions of this Part, any owner or operator of an underground storage tank used for storing hazardous substances shall, upon request of any officer, employer or representative of the Environmental Protection Agency, duly designated by the Administrator, or upon request of any duly designated officer, employee or representatives of a State with an approved program, furnish information relating to such tanks or contents and permit such person at all reasonable times to have access to, and to copy all records relating to such tanks and to conduct such monitoring or testing as such officer deems necessary. For the purposes of developing or assisting in the development of any regulation or enforcing the provisions of this Part, such officers, employees or representatives are authorized—

"(1) to enter at reasonable times any establishment or other place where an underground storage tank is located;

"(2) to inspect and obtain samples from any person of any such hazardous substances and conduct monitoring or testing of the tanks, contents, or surrounding soils. Each such inspection shall be commenced and completed with reasonable promptness.

"(b)(1) Any records, reports, or information obtained from any person under this section shall be available to the public, except that upon a showing satisfactory to the Administrator (or the State, as the case may be) by any person that records, reports, or information, or particular part thereof, to which the Administrator (or the State, as the case may be) or any officer, employee or representative thereof has access under this section if made public, would divulge information entitled to protection under section 1905 of title 18 of the United States Code, such information or particular portion thereof shall be considered confidential in accordance with the purposes of that section, except that such record, report, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act.

"(2) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

"(3) In submitting data under this Act, a person required to provide such data may—

"(A) designate the data which such person believes is entitled to protection under this subsection, and

"(B) submit such designated data separately from other data submitted under this Act.

A designation under this paragraph shall be made in writing and in such manner as the Administrator may prescribe.

"(4) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to, or otherwise obtained by, the Administrator (or any representative of the Administrator) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee (including records, reports, or information obtained by representatives of the Environmental Protection Agency).

"FEDERAL ENFORCEMENT

"SEC. 1456. (a)(1) Except as provided in paragraph (2), whenever on the basis of any information the Administrator determines that any person is in violation of any requirement of this Part, the Administrator may issue an order requiring compliance immediately or within a specified time period or the Administrator may commence a civil action in the United States district court in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) In the case of a violation of any requirement of this Part where such violation occurs in a State with a program approved under section 1454, the Administrator shall give notice to the State in which such violation has occurred prior to issuing an order or commencing a civil action under this section.

"(3) If such violator fails to comply with the order within the time specified in the order, he shall be liable for a civil penalty of not more than $25,000 for each day of continued noncompliance and the Administrator may suspend or revoke any certificate issued to the violator (whether issued by the Administrator or the State).

"(b) Any order shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

"(c) Any order issued under this section may include a revocation of a certificate issued under this Part, and shall state with reasonable specificity the nature of the violation and specify a time for compliance and assess a penalty, if any, which the Administrator determines is reasonable taking into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements.

"(d) The following persons shall be subject to civil penalties for the specified violations—

"(1) Any owner or operator who knowingly fails to notify or submits false information pursuant to Section 1452(a) to a State or local agency or department designated pursuant to Section 1452(b)91) or the Administrator of the United States Environmental Protection Agency shall be subject to a civil penalty not to exceed $25,000 for each tank for which notification is not given or false information submitted.

"(2) After thirty-six months from the date of enactment, any person who knowingly deposits hazardous substances in an underground storage tank that does not have a Federal or State certificate issued pursuant to section 1452(d) or such person does not assure that a tank without a certificate will not allow release of the hazardous substances deposited in the tank, such person shall be subject to a civil penalty not to exceed $25,000 for each tank into which such hazardous substances are deposited.

"(3) Any owner or operator of an underground storage tank used for storing a hazardous substance who fails to comply with the release detection, prevention and correction regulations as promulgated by the Administrator or a State program approved pursuant to Section 1454, shall be subject to a civil penalty not to exceed $25,000 for each tank and for each day of violation.

"(4) Any owner or operator of an underground storage tank used for storing hazardous substances who fails to comply with the provisions of Section 1453(b) shall be subject to a civil penalty not to exceed $25,000 for each tank and for each day of violation.

"FEDERAL FACILITIES

"SEC. 1457. Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government having jurisdiction over any underground storage tank as defined in section 1451(5) and used for the purpose of storing hazardous substances as defined in subsection 1451(1), shall be subject to and comply with all Federal, State, interstate, and local requirements, both substantive and procedural respecting construction, installation, operation, testing, corrective action, removal, and closure of underground storage tanks in the same manner, and to the same extent, as any person is subject to such requirements, including payment of reasonable service charges.

"Neither the United States, nor any agent, employee, or officer thereof, shall be immune or exempt from any process or sanction of any State or Federal Court with respect to the enforcement of any such injunctive relief. The President may exempt any underground storage tanks of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of 1 year, but additional exemptions may be granted for periods not to exceed 1 year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption.

"STATE AUTHORITY

"SEC. 1458. Nothing in this Part shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement or standard of performance respecting underground storage tanks used to store hazardous substances that is more stringent than a regulation, requirement or standard of performance in effect under this Part.

"STUDY OF EXEMPTED UNDERGROUND STORAGE TANKS

"SEC. 1459. Not later than thirty six months after the date of enactment, the Administrator of the Environmental Protection Agency shall conduct a study regarding the underground storage tanks exempted in Section 1451(5) (i) and (ii). Such study shall include estimates of the number and location of such tanks and an analysis of the extent to which there may be releases or threatened releases from such tanks into the environment. Upon completion of the study, the Administrator shall submit a report to the President and to the Congress containing the results of the study and recommendations respecting whether or not such tanks should be subject to the preceding provisions of this Part.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1460. (a) There are authorized to be appropriated to the Administrator for the purpose of carrying out the provision of this Part, $5,000,000 for the fiscal year ending September 30, 1984, and $10,000,000 for each of the fiscal years ending September 30, 1985, 1986, 1987, and 1988.

"(b) There is authorized to be appropriated $50,000,000 for each of the fiscal years ending September 30, 1985, 1986, 1987, and 1988 to be used to make grants to the States for purposes of assisting the States in the implementation of approved State underground storage tank programs."

(b) Section 1448(a)(1) of the Safe Drinking Water Act is amended by inserting after the words "any regulation for State underground injection control programs under section 1421," the following: "any regulation for underground storage tanks under section 1453."

(c) Section 101(14) of the Comprehensive Environmental Response, Compensation and Recovery Act of 1980, Public Law 96-510, is amended by—

(1) striking out "and (F)" and substituting ", (F)",

(2) striking out "Control Act." and substituting "Control Act, and (G) gasoline and other liquid hydrocarbons or natural gas liquids or gas liquids released or threatening to be released into groundwater or subsurface soils from an underground storage tank as defined in Section 1451(5) of the Safe Drinking Water Act"; and

(3) by striking "The term does not include petroleum" and substituting "Except as provided in subparagraph (G), the term does not include".●

● Mr. MOYNIHAN. Mr. President, I am pleased to join my colleague from Minnesota as a cosponsor of a bill to reduce ground water contamination from underground storage tanks. We are all aware by now that the quality of underground supplies of drinking water depends strongly on man's activities on or below the land surface. Among the many potential sources of pollution, some are not regulated under any Federal law. Perhaps the most significant category of unregulated source is the underground storage tank.

Underground storage tanks, ubiquitous in our society, are most commonly used to store petroleum products such as gasoline, but many tanks also contain industrial chemicals. Nobody knows who many million tanks exist in the United States or what proportion of the tanks leak, but that should not stop us from acting promptly to reduce the threat to ground water. We do know that the majority of tanks are made of bare steel and that many have been in the ground for decades. The basic principles of chemistry lead to the conclusion that many of these tanks are leaking.

Many incidents of ground water contamination have been traced to leaking tanks. In one dramatic case, a 17,000,000-gallon, 52-acre lake of petroleum was recently discovered floating on the aquifer beneath the streets of Brooklyn, N.Y. Hydrologists believe that tanks in the area have been leaking over 30 years.

This bill would establish sensible practices to prevent, detect, and correct leaks from underground storage tanks. For example, such practices as inventory control, leak detection, and testing of old tanks would become the norm. New tanks would be designed to prevent future leaks. It is now time for the Congress to act. There is no question that toxic chemicals are leaking from storage tanks to aquifers. Yet no clear Federal authority is currently available to tackle this threat.●

By Mr. SIMPSON:

S. 2514. A bill to amend title 38, United States Code, to enhance the management of Veterans' Administration medical treatment programs by providing for the referral of veterans to non-Veterans' Administration entities and arrangements for additional necessary services, to revise and clarify the authority for the furnishing of care for veterans suffering from alcohol or drug dependence, to require the Administrator to establish the position of Associate Director for Post Traumatic Stress Disorder, to require the Administrator to submit a report to Congress regarding programs of the Veterans' Administration providing hospice and respite care to certain veterans, and to authorize the Administrator of Veterans' Affairs to provide telecaption television decoders to totally deaf veterans in certain cases, and for other purposes, to the Committee on Veterans' Affairs.

VETERANS' ADMINISTRATION HEALTH CARE AMENDMENTS OF 1984

● Mr. SIMPSON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am today introducing S. 2514, the proposed Veterans' Administration Health Care Amendments of 1984. This legislation is designed to clarify and improve certain health care programs and services currently provided and administered by the Veterans' Administration. The central purpose of this initiative is to continue to obtain maximum use of VA health care resources and to improve the quality of health care services by providing the most appropriate kinds and levels of care to certain specific veteran populations which are already receiving VA health care services. Our measure promotes a more concentrated effort to coordinate complex types of care and a more efficient use of resources by targeting appropriate kinds of services to match veterans' specific needs. Specific veterans populations who would benefit from the legislation would be those service-connected vet-

erans, elderly veterans, Vietnam veterans with post traumatic stress disorder (PTSD), veterans who are totally deaf, and veterans with alcohol-related disorders.

SUMMARY OF PROVISIONS

Mr. President, the five substantive provisions of my bill would:

First, authorize the Veterans' Administration to arrange for certain health and health-related services in local communities at no expense to the VA but which would allow the VA to further manage a veteran's care.

Second, provide that the Administrator of Veterans' Affairs shall coordinate care for veterans suffering from alcohol dependence.

Third, provide the Administrator with specific authority to provide for the hearing-impaired, including telecaptioning television decoders, to veterans who are totally deaf.

Fourth, direct the Administrator to establish the position of Associate Director for Post Traumatic Stress Disorder (PTSD) in order to clarify VA policy, provide guidance, and coordinate care for Vietnam veterans suffering from PTSD.

Fifth, direct the administrator to submit a report to Congress regarding VA hospice and respite programs for terminally ill and chronically ill veterans.

VA/COMMUNITY COORDINATION PROGRAMS' OFFICE

Mr. President, a major problem in caring for geriatric veterans is to coordinate the delivery of the various health care services which are often needed. Not all veterans are eligible for all types of care and not all VAMC's provide all types of care, therefore some reliance on community resources may be necessary.

There is presently considerable interest within the VA to cooperate with other public and private institutions in order to improve the delivery of health care services. Under current law, the VA is authorized to participate in the cooperative health manpower education program (CHMEP), with public institutions, nonprofit corporations, and others by establishing cooperative health care personnel education programs in areas geographically remote from major academic health centers. The purpose of these programs is to improve the competencies and performance of practicing health care personnel in areas underserved by the health care system.

The purpose of this provision would be to provide the VA with enhanced authority to manage a veteran's program of treatment under varying circumstances including such times when a certain service is not offered by the VA, or times when a veteran may not be eligible for a certain service or times when due to a great distance between the veteran's home and the VA medical center close monitoring of a chronic condition is impractical. This legislation would establish a VA/community office within each medical center that would provide as part of discharge planning and ongoing care management, referral services to and help for veterans to negotiate the system in order to take advantage of certain health services currently available in local communities that would certainly enhance a veteran's treatment. Section 3 of the measure I am introducing today, would particularly benefit elderly veterans who reside in rural areas and who receive VA health care services, and who could benefit from supplemental services that exist in the community.

CLARIFY ALCOHOL TREATMENT AND REHABILITATION

Mr. President, according to the National Institute of Medicine, alcohol abuse and alcoholism cost America $60 billion a year. Twenty percent of our total national expenditure for hospital care is alcohol related. The VA treats approximately 100,000 veterans each year for alcohol-related disorders in its 102 alcohol treatment units and other programs out of a total of about 3 million veterans treated. The VA's most recent report on alcoholism and VA patients "1980 Supplement to Alcoholism and Problem Drinking 1970-1975," notes that alcoholism-related disorders are the second largest category of diagnoses of patients discharged from VA hospitals, next to heart disease. When "problem drinkers"—those whose current treatment or prognosis are complicated by drinking—are added to those defined as "alcoholics," the percentage in VA hospitals was 26 percent in 1980. And the percent of alcoholics or problem drinkers among hospitalized Vietnam-era veterans was 38 percent.

The VA's specialized alcohol dependence treatment programs emphasize short-term inpatient hospitalizations during which time a comprehensive evaluation is made including biomedical, social, and vocational skills assessments. An individualized treatment plan is formulated, including treatment for other significant medical, surgical, or mental health problems. According to the VA, the trend in VA care is for shorter inpatient stays and proportionately more of the needed treatment to be provided in an outpatient or ambulatory setting.

Mr. President, I very seriously considered including in section 4 of the bill I am introducing today a provision which would unify alcohol treatment goals within the VA by mirroring the VA's current policy of emphasizing short-term inpatient stay and making maximum use of outpatient and other forms of ambulatory care for alcohol treatment and rehabilitation. That provision would have provided the VA with specific authority to provide up to 7 days detoxification, 28 days inpatient treatment, 15 weeks for rehabilitation (if necessary) and followup outpatient or half-way house care for alcohol treatment and rehabilitation. The VA would have been directed to provide a minimum of 1 year of followup to all veterans who had completed the inpatient treatment program. The purpose of this provision was to require the VA to put into practice what is reflected in its program guide and by other Government and private-sector alcohol treatment programs generally and to address three specific goals: First, to move the veteran through the treatment phases in a timely manner, second, to take into account other possible medical complications when formulating the veteran's treatment plan; and third, to provide the essential coordination of rehabilitative services and reintegration into the veteran's local community. I believe these goals are especially critical to the veteran's chances of recovery.

In an attempt to be responsive to the Veterans' Administration and others concerned about the VA's efforts to treat veterans with alcohol dependence and abuse disabilities, I have decided not to specify the limitations in the bill but instead to include in section 4 of the bill I am introducing today a requirement that the Administrator prescribe regulations to establish maximum periods of treatment and rehabilitation for alcohol or drug dependence or abuse disabilities consistent with the average period of such treatment and rehabilitation experienced in programs not administered by the VA. These regulations are to include maximum periods for detoxification, acute inpatient care, additional extended care for cases involving multiple and complex diagnoses, and outpatient care. Regulations on the use of individualized treatment plans, their development and implementation, and including at least 1 year of followup monitoring would also be prescribed. Rather than specifying the limits of each treatment phase in the legislation, the requirement that the VA prescribe regulations would provide the VA with the flexibility to exercise their own medical judgment in setting forth the parameters of the program. It is my expectation and hope that the VA will proceed expeditiously to prescribe these regulations and that further legislation will not be necessary.

MEDICAL AND REHABILITATION DEVICES FOR THE HEARING IMPAIRED

Mr. President, the VA issues over 1 million prosthetic and sensory aids to eligible veterans each year; including aids for the blind, artificial limbs, wheelchairs, auto adaptive equipment, hearing dogs, TTY's (machines which type out incoming phone messages), automatic page turners, and many more items. However, a VA General Counsel opinion of July 9, 1980, has

prohibited a totally deaf veteran from receiving a telecaption TV decoder which adapts a TV set to receive broadcasts with subtitles unless a veteran has a "morbid mental condition." This would seem to unfairly discriminate against the deaf veteran by requiring that he become socially disoriented to the degree that he is considered mentally ill prior to the receipt of a telecaption device. No such requirement exists for veterans who receive other medical devices.

Section 5 of the legislation I am introducing today would be a practical technical amendment to clarify the eligibility of a totally deaf veteran to receive a telecaption TV decoder as part of other medical and rehabilitative services for which he or she is already eligible. This measure would make the issuance of this device consistent with VA policy on other prosthetics and sensory aids under section 601(6) of title 38, United States Code.

INPATIENT TREATMENT FOR POST-TRAUMATIC STRESS DISORDER

Mr. President, 10 VA medical centers have set up special inpatient units for Vietnam veterans with posttraumatic stress disorder (PTSD), in order to provide inpatient treatment for veterans whose PTSD is too severe to be treated by vet centers or outpatient clinics. Treatment includes a combination of individual, group, and family therapy, and certain special therapeutic programs. The VA has no policy on these special units which have been developed as a result of local medical center initiatives. Neither the Readjustment Counseling Service in charge of vet centers nor the Mental Health and Behavioral Sciences Services in charge of all other mental health services is managing or coordinating the care provided in these inpatient units. The measure I am introducing today would be an important step toward coordination of readjustment services for Vietnam vets with PTSD.

Section 6 of my proposal would direct the Administrator to establish an Associate Director for PTSD under the Mental Health and Behavioral Sciences Service in order to clarify policy, provide guidance, coordiante care for veterans with PTSD and to educate VA health care personnel about PTSD. The VA would also be required to submit a report to Congress on its efforts in this regard.

CARE FOR TERMINALLY ILL VETERANS AND RESPITE FOR CHRONICALLY ILL

Mr. President, hospice care is increasingly recognized as a most compassionate alternative manner of caring for the terminally ill. Such care provides supportive counseling and pain relief for patients who have less than 6 months to live and it is designed to assist patients to remain at home as long as is possible.

The Health Care Financing Administration (HCFA) has recently published final regulations for payment of hospice care under medicare and the Joint Commission on Accreditation of Hospitals (JCAH) has created an accreditation program for hospice care and has developed a hospice standards manual. The VA has one inpatient program and 15 additional programs of hospice care for terminally ill veterans. An evaluation of the inpatient program, which is located at the Wadsworth VA Medical Center, has just been completed.

Section 7 of this measure would require the VA to report to Congress on all its efforts to provide care to the terminally ill, including an evaluation of the appropriate kind and level of services provided, an assessment of the most cost-effective mix of such services; and the advantages and disadvantages of different forms of hospice-like care.

The VA also has one inpatient respite program for terminally ill and chronically ill veterans who reside at home and who already have access to primary care givers. This program provides the veterans with short-term, intermittent and occasional stays at VA facilities in order to enable the caregivers to "take a break" from their constant care and monitoring of the veterans, thus providing incentives for the caregivers to continue to provide care and thus preventing a certain number of nursing home admissions. Our measure would also require the VA to report to Congress on its efforts to provide respite care, the scope of the efforts, its cost-effectiveness, and its relationship to and impact on nursing home admissions.

CONCLUSION

Mr. President, as I have mentioned, the provisions of this bill would promote the VA's ability to even better manage care currently provided to our Nation's veterans and improve its ability to provide the most appropriate kinds and levels of care, especially to service-connected veterans, elderly veterans, veterans with alcohol-related disorders, and veterans who are totally deaf. I do look forward to working on this measure with the ranking minority member of the committee, my good friend from California (Mr. CRANSTON), other members of the committee, the VA, the veterans' service organizations, and others who share my interest in improving and enhancing the very fine services of the VA's Department of Medicine and Surgery. On April 11 the committee will hold hearings on this and certain other health-related legislation pending in the committee.

Mr. President, I ask unanimous consent that the text of S. 2514 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Administration Health Care Amendments of 1984".

(b) Except as otherwise specifically provided whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

REFERRALS AND ARRANGEMENTS FOR COMMUNITY SERVICES

SEC. 3. (a) Chapter 73 is amended by adding at the end of subchapter 1 the following new section:

"§ 4120. Referrals and arrangements for community services.

"In order to enhance the management of Veterans' Administration care and treatment programs, the Administrator shall designate one Office in each Veterans' Administration health care facility and in central office to coordinate and make arrangements for the provision of referral services to assist veterans, to the maximum extent practicable, in obtaining health and health-related services from sources outside the Veterans' Administration, not at Veterans' Administration expense, when such services are reasonably necessary in the treatment of veterans eligible for care under chapter 17 of this title. In carrying out this section, the Administrator shall place particular emphasis on the needs of veterans with service-connected disabilities rated at 50 percent or more and veterans age 65 or older.".

(b) The table of sections at the beginning of chapter 73 is amended by adding after the item relating to section 4119 the following:

"4120. Referrals and arrangements for community services".

ALCOHOL TREATMENT AND REHABILITATION

SEC. 3. (a) Section 620A is amended—

(1) by amending paragraph (1) of subsection (a) to read as follows:

"(1)(A) The Administrator, in furnishing hospital, nursing home and domiciliary care and medical and rehabilitative services under this chapter, may contract for care and treatment and rehabilitative services in halfway houses, at such per diem rates as the Administrator shall by regulation prescribe consistent with prevailing rates in the community.

"(B) For the purposes of this section, the term 'halfway house' means a treatment facility not under the direct jurisdiction of the Administrator, offering a community based, peer group oriented, residential program of treatment and rehabilitation for alcohol or drug dependence or abuse disabilities, which provides food, lodging and supportive services in a drug- and alcohol-free environment for veterans recovering from active alcohol or drug abuse.

"(C) The maximum period for one treatment episode under the authority established by paragraph (1)(A) of this subsection shall be limited to 60 days.";

(2) by redesignating paragraph (2) of subsection (a) as paragraph (D);

(3) by striking out subsection (e);

(4) by redesignating all subsections, paragraphs, clauses and cross-references accordingly;

(5) by adding at the end the following new subsection:

"(b) The Administrator shall prescribe regulations, not later than twelve months after the date of enactment of this Act,

"(1) to establish maximum periods of treatment and rehabilitation for alcohol or drug dependence or abuse disabilities of a veteran eligible for care under this chapter consistent with the average periods of such treatment and rehabilitation experienced in programs not administered by the Veterans' Administration, to include specific maximum periods for—

"(A) detoxification to stabilize the veteran's condition;

"(B) acute inpatient care and treatment;

"(C) additional extended care and treatment in cases involving multiple and complex diagnoses; and

"(D) outpatient care and treatment including appropriate referral services under section 4120 of this title; and

"(2) to ensure that individual treatment plans are developed, implemented and monitored, (including at least one year of followup monitoring after discharge from inpatient care and treatment) for each veteran receiving care for alcohol or drug dependence of abuse disabilities.";

(6) in paragraph (5) of subsection (a) (as redesignated by paragraph (3) of this subsection), by striking out "authorized by this section" and inserting in lieu thereof "authorized by the amendment made by section 104 of Public Law 98-22 (93 Stat. 50)".

(b) Not later than September 30, 1984, and on September 30 of each subsequent year, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a comprehensive survey of all Veterans' Administration alcohol and drug treatment and rehabilitation programs, identifying by facility, the number of beds involved, the number of patients and episodes of care (whether inpatient-acute, inpatient-rehabilitation, or outpatient), the specific treatment modalities employed, average lengths of stay, and staffing requirements, together with a national summary of such information. The third such report shall contain in addition information on the effectiveness of the care and treatment furnished to veterans for alcohol or drug dependence or abuse disabilities in light of the regulations promulgated and implemented under subsection (b) of section 620A (as amended by this section), including information on the use differential diagnosis, case-management treatment, lengths of stay, discharge planning, methods of monitoring the use of halfway houses under the authority of section 620A, and referral and follow-up programs.

(c) The section heading of section 620A and the item relating to such section in the table of sections at the beginning of chapter 17 are each amended by striking out the semicolon and "pilot program".

MEDICAL AND REHABILITATIVE DEVICES

SEC. 4. Section 601(6)(A)(i) is amended by inserting "devices for the hearing-impaired in the case of any veteran who is totally deaf (including telecaptioning television decoders)," after "prosthetic appliances.".

POST-TRAUMATIC STRESS DISORDER

SEC. 5. (a) Section 4101 is amended by adding at the end thereof the following new subsection:

"(g)(1) The Administrator shall establish in the Mental Health and Behavioral Sciences Service of the Department of Medicine and Surgery a position to be known as Associate Director for Posttraumatic Stress Disorder (hereinafter in this subsection referred to as "Associate Director") and shall appoint an individual to serve in such position. The rate of basic pay of the Associate Director shall not be less than the minimum rate of basic pay payable for a position in chief grade under the physician and dentist schedule set out in section 4107(b)(1).

"(2) The Associate Director shall develop policies, provide guidance, and coordinate the provision of services for the treatment of Vietnam veterans with post-traumatic stress disorder, including care furnished in inpatient post-traumatic stress disorder units.

"(3) The Associate Director shall coordinate, by medical region, inpatient care for eligible veterans suffering from post-traumatic stress disorder, and shall take steps to ensure that the provision of such care includes the use of treatment plans, referral procedures, and post-treatment followup care.

"(4) The Associate Director shall conduct special education and training programs on post-traumatic stress disorder for appropriate employees of the Department of Medicine and Surgery, including programs on diagnostic criteria and methodologies, referrals, and the formulation and implementation of treatment plans and followup care.

"(5) The Chief Medical Director shall establish a task force on the care and treatment of post-traumatic stress disorder. The task force shall include health care employees of the Veterans' Administration who are involved in the treatment care of veterans suffering from post-traumatic stress disorder. The task force shall advise the Chief Medical Director on policies regarding—

"(A) the use of appropriate treatment modalities and the development of standards governing lengths of stay of veterans in Veterans' Administration health care facilities for care and treatment for problems related to post-traumatic stress disorder;

"(B) the coordination of treatment of post-traumatic stress disorder patients after discharge from inpatient care;

"(C) the monitoring and evaluation of treatment programs for post-traumatic stress disorder patients;

"(D) the conduct of health-services research making comparisons among various treatment modalities for post-traumatic stress disorder to determine proper treatment methods and length of stay;

"(E) ensuring proper diagnosis of post-traumatic stress disorder at all medical facilities including those which do not have programs dedicated specifically to the care and treatment of post-traumatic stress disorder; and

"(F) the necessity of, and appropriate standards governing referral of patients, including those receiving vocational rehabilitation in domiciliaries."

(b) Not later than nine months after the date of enactment of this Act, the administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report evaluating the results of the implementation of this subsection.

REPORT ON VETERANS' ADMINISTRATION PROGRAMS FOR TERMINALLY ILL AND CERTAIN OTHER VETERANS

SEC. 6. (a) Not later than September 30, 1985, the Administrator of Veterans' Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the House of Representatives a report regarding programs of the Veterans' Administration (1) to furnish palliative and supportive care to terminally ill veterans and supportive care to members of such veterans' families, and (2) to furnish care to terminally and chronically ill veterans for brief periods in part for the purpose of providing a respite for members of the veterans' families in order to encourage them to maintain the veterans in their homes (in order to obviate the need for institutional care) to the maximum extent practicable.

(b) The report required by subsection (a) shall include—

(1) a review of Veterans' Administration policies and guidelines on the provision of care described in subsection (a);

(2) a review of the care furnished to the veterans described in paragraph (a) and any treatment modalities used to furnish such care, including a description of the services furnished in connection with such care;

(3) a comparison of the care provided to terminally ill veterans in hospice and nonhospice treatment programs, including a comparison of the routine and ancillary services furnished as hospice care and the routine and ancillary services furnished to terminally ill patients in nonhospice treatment programs;

(4) an analysis of the lengths of stay of, and cost of care provided to, chronically and terminally ill veterans in programs described in subsection (a);

(5) an evaluation of whether and how the provision of care to terminally and chronically ill veterans described in subsection (a)(2) helps to obviate or delay the need for institutionalizing such veterans for a prolonged period;

(6) an explanation of how the care described in subsection (a) is or will be included in the overall plans of the Veterans' Administration for providing health care to elderly veterans in the future and the extent to which plans to furnish hospice and respite care are included in such plans; and

(7) a review of the steps taken to coordinate the provision of the care described in subsection (a) with community providers of similar care.

(8) proposals for such administrative or legislative action as the Administrator may deem appropriate in light of the findings and conclusions of such report.●

By Mr. SARBANES:

S. 2515. A bill to extend the provisions of chapter 61 of title 10, United States Code, relating to retirement and separation for physical disability, to cadets and midshipmen; to the Committee on Armed Services.

RETIREMENT AND SEPARATION FOR PHYSICAL DISABILITY FOR CADETS AND MIDSHIPMEN

● Mr. SARBANES. Mr. President, I have today introduced legislation to amend title 10 of the United States Code to grant physical disability benefits to midshipmen and cadets at our service academies who sustain serious incapacitating injuries during active duty. This measure would address a serious inequity in the law which forces the academies to discharge these personnel when they no longer are able to meet commissioning requirements. It is particularly unfortunate in the cases of enlisted personnel who have been selected for these service academies and are later injured and are discharged. In their former capacity as enlisted personnel they would ordinar-

ily be eligible for continued medical care and disability benefits which are extended to our Armed Forces personnel. When they become midshipmen or cadets, this protection is withdrawn.

As a member of the Naval Academy Board of Visitors, I recently became aware of the situation encountered by a midshipman who was seriously injured in training and later diagnosed as suffering from a form of cancer. This young man had formerly served several years in an enlisted capacity, and in that status would have qualified for care in a military hospital. Because of the provisions of 10 U.S.C. 1217, the Navy was forced to discharge him from the service. He then had to go through an extended time of having his illness rediagnosed and treated by civilian physicians, even though his military doctors were already familiar with his condition. It is my understanding that there are only a handful of such cases at our academies and that the costs involved would be negligible.

This provision of title 10 was enacted when there was no "payback" provision for students leaving these academies to perform enlisted service should they voluntarily leave the academies. It ignores those members of the active and reserve components who are admitted to the service academies and unknowingly relinquish their medical benefits in so doing. The academies support this move to redress this serious situation and I would urge my colleagues to support this worthy measure.●

ADDITIONAL COSPONSORS

S. 476

At the request of Mr. LEVIN, the name of the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 476, a bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes.

S. 905

At the request of Mr. EAGLETON, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 905, a bill entitled the "National Archives and Records Administration Act of 1983."

S. 1128

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 1128, a bill entitled the "Agricultural Productivity Act of 1983."

S. 1201

At the request of Mr. MATHIAS, the names of the Senator from Massachusetts (Mr. TSONGAS), the Senator from Vermont (Mr. LEAHY), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Carolina (Mr. EAST), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 1201, a bill to amend title 17 of the United States Code to protect semiconductor chips and masks against unauthorized duplication, and for other purposes.

S. 1980

At the request of Mr. MURKOWSKI, the name of the Senator from Nevada (Mr. HECHT) was added as a cosponsor of S. 1980, a bill to recognize the organization known as the Polish Legion of American Veterans, U.S.A.

S. 1992

At the request of Mr. BENTSEN, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 1992, a bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products.

S. 2190

At the request of Mr. HUDDLESTON, the names of the Senator from Texas (Mr. BENTSEN), and the Senator from Nebraska (Mr. EXON), were added as cosponsors of S. 2190, a bill to amend the Agriculture and Food Act of 1981 to provide protection for agricultural purchasers of farm products.

S. 2219

At the request of Mr. BOREN, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 2219, a bill to amend the Internal Revenue Code of 1954 to remove requirements for filing returns regarding payments of remuneration for services, and for other purposes.

S. 2257

At the request of Mrs. KASSEBAUM, the names of the Senator from Nevada (Mr. LAXALT), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 2257, a bill entitled the "Senior Citizens' Tax Improvement Act."

S. 2413

At the request of Mr. DENTON, the names of the Senator from South Dakota (Mr. ABDNOR), and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of S. 2413, a bill to recognize the organization known as the American Gold Star Mothers, Inc.

SENATE JOINT RESOLUTION 227

At the request of Mr. CRANSTON, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. DIXON), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of Senate Joint Resolution 227, a joint resolution designating the week beginning November 11, 1984, as "National Women Veterans Recognition Week."

SENATE JOINT RESOLUTION 244

At the request of Mr. DOLE, the name of the Senator from Minnesota (Mr. BOSCHWITZ), was added as a cosponsor of Senate Joint Resolution 244, a joint resolution designating the week beginning on May 6, 1984, as "National Asthma and Allergy Awareness Week."

SENATE JOINT RESOLUTION 258

At the request of Mr. BIDEN, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Montana (Mr. BAUCUS), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Joint Resolution 258, a joint resolution to designate the week of June 24 through June 30, 1984 as "National Safety in the Workplace Week."

SENATE RESOLUTION 241

At the request of Mr. LEVIN, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of Senate Resolution 241, a resolution expressing the sense of the Senate that the foreign policy of the United States should take account of the genocide of the Armenian people, and for other purposes.

SENATE RESOLUTION 358

At the request of Mr. CHILES, the name of the Senator from South Carolina (Mr. HOLLINGS), and the Senator from New York (Mr. D'AMATO) were added as cosponsors of Senate Resolution 358, a resolution commending the Government of Colombia for its major achievement in seizing large amounts of cocaine, and for other purposes.

AMENDMENT 2850

At the request of Mr. CRANSTON, the name of the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of amendment No. 2850 intended to be proposed to S. 2269, a bill to amend title 38, United States Code, to improve various aspects of Veterans' Administration health-care programs and to provide eligibility to new categories of persons for readjustment counseling from the Veterans' Administration; and to require the Administrator of Veterans' Affairs and the Secretaries of Defense and of Health and Human Services to submit a report on alternatives for providing Federal benefits and services to individuals who, as civilians, provided the services to the U.S. Armed Forces in Vietnam during the Vietnam era; and for other purposes.

SENATE CONCURRENT RESOLUTION 101—TO COMMEMORATE THE UKRAINIAN FAMINE OF 1933

Mr. D'AMATO (for himself, Mr. HELMS, Mr. EXON, Mr. MOYNIHAN, Mr. NICKLES, Mr. BRADLEY, and Mr. HEINZ)

submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 101

Whereas over seven million Ukrainians in the Ukrainian Soviet Socialist Republic, which was created as the result of direct aggression by the Russian Communist military forces against the Ukrainian National Republic in 1918-1920, died of starvation during the years 1932-1933; and

Whereas the Soviet Russian Government, having full and complete control of the entire food supplies within the borders of the Union of Soviet Socialist Republics, nevertheless failed to take relief measures to check the disastrous famine or to alleviate the catastrophic conditions arising from it, but on the contrary used the famine as a means of reducing the Ukrainian population and destroying Ukrainian national, political, cultural, and religious rights; and

Whereas the Soviet Russian Government targeted the Ukrainian people for destruction as a whole by directing special draconic decrees against Ukrainian peasants as "an enemy class", against the Ukrainian intelligentsia as "bourgeois Ukrainian nationalists", and against the Ukrainian Autocephalic Orthodox Church as "a remnant of the old prejudicial 'opiate of the people' "—committed on a gigantic and unprecedented scale the heinous crime of genocide, as defined by the United Nations Genocide Convention; and

Whereas numerous appeals from prominent organizations and individuals throughout the world, such as the League of Nations, the International Red Cross, and several groups of parliamentarians from the United Kingdom, Switzerland, Belgium, and Holland who earnestly appealed to the Soviet Russian Government for appropriate steps to help the millions of starving Ukrainians, went unheeded by the Government of the Union of Soviet Socialist Republics; and

Whereas intercessions have been made at various times by the United States during the course of its history on behalf of citizens of countries persecuted by their governments, indicating that it has been the traditional policy of the United States to take cognizance of such destruction of human beings as the famine holocaust in Ukraine in 1933; and

Whereas on May 28, 1934, some six months after the formal recognition of the Union of Soviet Socialist Republics by the United States, Congressman Hamilton Fish, of New York, introduced in the House of Representatives a resolution (H. Res. 399, 73d Cong., 2d sess.) calling for international condemnation of the Union of Soviet Socialist Republics for its genocidal and barbarous destruction of the Ukrainian people: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President of the United States shall take in the name of humanity immediate and determined steps to—

(1) issue a proclamation in mournful commemoration of the great famine in the Ukraine during the year 1933, which constituted a deliberate and imperialistic policy of the Soviet Russian Government to destroy the intellectual elite and large segments of the population of the Ukraine and thus enhance its totalitarian Communist rule over the conquered Ukrainian nation;

(2) issue a warning that continued enslavement of the Ukrainian nation as well as other non-Russian nations within the Union of Soviet Socialist Republics constitutes a threat to world peace and normal relationships among the peoples of Europe and the world at large; and

(3) manifest to the peoples of the Union of Soviet Socialist Republics through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and national independence.

● Mr. D'AMATO. Mr. President, 1983 marked the 50th anniversary of the Soviet-perpetuated famine which resulted in the senseless starvation of more than 7 million innocent men, women, and children in Ukraine. Unlike famines which have been caused by natural disaster, the Ukrainian famine of 1932-33 was a deliberate and calculated effort by the Soviets, led by Stalin, to crush the Ukrainian people and break their independent spirit and strong sense of nationalism. Despite the magnitude of this criminal act, few are aware of the untold human suffering wrought by the Soviet totalitarian regime.

Following the announcement of the first Five-Year Plan by Stalin in 1928, the Communist leadership declared that all lands in Ukraine were to be confiscated and made property of the State. In addition, all foodstuffs were expropriated by the Soviet State. With the collaboration of the secret police, thousands of government officials converged on Ukraine for the purpose of exploiting the rich harvest of that nation. Resistance resulted in arrest, deportation, and death.

Under a system of rigid quotas which characterized the collectivization program, virtually all crops were left with nothing to sustain themselves. Collective farms were turned into armed camps, with armed guards surrounding fields in order to insure that hungry peasants did not steal any food from State land.

Left with few options, millions of Ukrainians were forced to eat anything available including: dogs, cats, grass, roots, and even tree bark. Those who sought food elsewhere were forcibly prevented from leaving Ukraine. Ultimately, millions of corpses began to litter the countryside. Hundreds of thousands of children were left to roam the streets, orphans in search of anything that would fill their protruding stomachs. Everywhere the scene was the same: old and young with swollen stomachs slowly dying of starvation. Others succumbed to such widespread diseases as pneumonia, typhus, and tuberculosis. More than 7 million lives were slowly and senselessly snuffed out. While forced collectivization of agriculture were undertaken throughout the Soviet Union, nowhere else did the phenomenon take on such gruesome dimensions.

However, the famine was not the only byproduct of Stalin's drive to collectivize the agriculture sector of the Soviet Union. It also had an important political impact. Simultaneously, thousands of Ukraine's political leaders and cultural elite were purged in an attempt to deprive the Ukrainian people of their rich heritage and self-determination.

The famine drew little attention in the West, which was itself in the depths of the Great Depression. When efforts were made to assist the starving, the Soviet regime refused to permit foodstuffs to enter Ukraine, denying the fact that the region was in the grip of a devastating famine. The Ukrainian famine is thus a classical example of the ruthless and barbaric policies pursued by the Soviet Union.

Despite this brutal attempt by the Soviet Communists to break the free spirit of the Ukrainian people, survivors of the famine, and indeed all Ukrainians, have remained steadfast in their solidarity with their families and friends who continue to live under the yoke of Soviet domination. Their love of freedom and desire for the preservation of human rights and civil liberties is exemplary.

We cannot, and must not, forget the sacrifice of the more than 7 million Ukrainian men, women, and children who perished. I have already taken personal action in recognition of the 50th anniversary of this terrible event. During the period September 25 to October 1, 1983, I sponsored a display in the Rotunda of the Russell Senate Office Building which graphically depicted the destruction of the religious structures of Kiev in the mid-1930's. This deliberate physical dismemberment of churches and other religious buildings, some of which were centuries old, was an integral part of the effort to destroy the spirit of a people through the destruction of its architecture. I am proud to have been able to make it possible for this frightening and saddening exhibit to have taken place.

Accordingly, I submit the following resolution which expresses the sense of the Senate that the President undertake a number of specific actions designed to commemorate the Ukrainian famine of 1933 and increase public awareness of this tragedy.●

AMENDMENTS SUBMITTED

URGENT SUPPLEMENTAL APPROPRIATION

COCHRAN (AND OTHERS) AMENDMENT NO. 2862

Mr. COCHRAN (for himself, Mr. HUMPHREY, Mr. GARN, Mr. DOMENICI, Mr. HUDDLESTON, Mr. EAGLETON, Mr. HELMS, and Mr. STENNIS) proposed an amendment to the joint resolution

(H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture; as follows:

At the bottom of page 2, add the following:

FARMERS HOME ADMINISTRATION

Rural Housing Insurance Fund

Notwithstanding section 502(d) of the Housing Act of 1949, from amounts previously made available from the Rural Housing Insurance Fund, in P.L. 98-151, for fiscal year 1984, $1.38 billion shall be made available for low-income borrowers and $920 million shall be made available for very low-income borrowers.

COCHRAN (AND EAGLETON) AMENDMENT NO. 2863

Mr. COCHRAN (for himself and Mr. EAGLETON) proposed an amendment to the joint resolution (H.J. Res. 492), supra; as follows:

After line 25 on page 2, insert the following:

FEDERAL CROP INSURANCE CORPORATION

Federal Crop Insurance Corporation Fund

For fiscal year 1984, the Federal Crop Insurance Corporation may borrow from the Secretary of the Treasury up to $50,000,000 to enable the Corporation to discharge its responsibility under 7 U.S.C. 1508(b)(c), if the Secretary of Agriculture certifies that available funds are insufficient to pay losses.

COCHRAN (AND OTHERS) AMENDMENT NO. 2864

Mr. COCHRAN (for himself, Mr. HUDDLESTON, Mr. HEFLIN, Mr. EAGLETON, Mr. JEPSEN, Mr. GRASSLEY, Mr. JOHNSTON, and Mr. BOREN) proposed an amendment to the joint resolution (H.J. Res. 492), supra; as follows:

At the appropriate place in the bill, insert the following:

"COMMODITY CREDIT CORPORATION EXPORT CREDIT GUARANTEES

"SEC. . (a) For the fiscal year ending September 30, 1985, the Secretary of Agriculture shall make available under the Export Credit Guarantee Program (GSM-102) carried out by the Commodity Credit Corporation credit guarantees for not less than $5,000,000,000 in short-term credit extended to finance export sales of United States agricultural commodities.

"(b) The Secretary shall ensure that any guarantee authority made available, in the fiscal years ending September 30, 1984, and September 30, 1985, for credit guarantees under the Export Credit Guarantee Program (GSM-102) carried out by the Commodity Credit Corporation in excess of—

"(1) the level of guarantee authority currently budgeted for the fiscal year ending September 30, 1984, and

"(2) the level of guarantee authority contained in the President's budget for the fiscal year ending September 30, 1985,

is used to further assist in the development, maintenance, and expansion of international markets for United States agricultural commodities and products, including natural fiber textiles and yarns, so as to increase the market prices for commodities for which established prices are provided, minimize the deficiency payments under the programs for such commodities, minimize the expenditure of Government funds for paid diversion programs for such commodities, and minimize outlays of Government funds for other price-supported commodities. Priority in the allocation of such guarantee authority shall be given to credit guarantees that facilitate the financing of (i) export sales to countries that have demonstrated the greatest repayment capability under the export credit programs carried out by the Commodity Credit Corporation or (ii) export sales of commodities for which no blended credit (under which a combination of export credit guarantees under the GSM-102 program and direct export credits under the GSM-5 program is provided) will be made available.".

COCHRAN (AND OTHERS) AMENDMENT NO. 2865

Mr. COCHRAN (for himself, Mr. EAGLETON, Mr. HUDDLESTON, Mr. BOREN, Mr. JOHNSTON, and Mr. STENNIS) proposed an amendment to the joint resolution (H.J. Res. 492), supra; as follows:

On page 2, after line 2, insert:

For an additional amount for "Public Law 480", for financing the sale of agricultural commodities for convertible foreign currencies and for dollars on credit terms pursuant to titles I and III of the Agricultural Trade Development and Assistance Act of 1954, as amended, $175,000,000, of which $175,000,000 is hereby appropriated and made available, in addition to amounts otherwise made available, through September 30, 1985.

On page 2, line 7, strike out "$150,000,000" and insert: "$60,000,000".

On page 2, line 8, strike out "$150,000,000" and insert: "$60,000,000".

On page 2, line 9, strike out all after "ble" over to and including "requirements." on line 17 and insert: ", in addition to amounts otherwise made available, through September 30, 1985.".

MELCHER AMENDMENT NO. 2866

Mr. MELCHER proposed an amendment to the joint resolution (H.J. Res. 492), supra; as follows:

At the end of the part of the joint resolution relating to Public Law 480 add the following new section:

"EMERGENCY FOOD ASSISTANCE FOR THE PHILIPPINES

For an additional amount for "Public Law 480", for commodities supplied in connection with dispositions abroad, pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, $5,000,000, of which $5,000,000 is hereby appropriated and made available through September 30, 1984, and such amount shall be available only for the Philippines."

BAUCUS (AND MELCHER) AMENDMENT NO. 2867

Mr. BAUCUS (for himself and Mr. MELCHER) proposed an amendment to the joint resolution (H.J. Res. 492), supra; as follows:

At the appropriate place in the bill insert the following:

DEPARTMENT OF THE INTERIOR

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

ABANDONED MINE RECLAMATION FUND

Notwithstanding any other provision of law, within the amounts provided under this head in the Department of the Interior and Related Agencies Appropriation Act, 1984 (Public Law 98-146), $1,000,000 shall be made available to the State of Montana for reclamation grants pursuant to Section 402 (g)(2) of Public Law 95-87 for reclamation of the Colorado Tailings site in Montana.

SPECTER (AND OTHERS) AMENDMENT NO. 2868

Mr. SPECTER (for himself, Mr. HEINZ, and Mr. STAFFORD) proposed an amendment to the joint resolution (H.J. Res. 492), supra; as follows:

On page 2, after line 25, insert the following:

DEPARTMENT OF EDUCATION

HIGHER EDUCATION

For an additional amount to carry out part B of title VII of the Higher Education Act of 1965, relating to construction and renovation of academic facilities, $3,400,000 which shall remain available until expended: *Provided*, That in spending amounts appropriated under this heading the Secretary shall waive the provisions of sections 721(a)(2), 721(b), 721(c), 713(g), and 742(2)(B) of such part.

BOREN AMENDMENT NO. 2869

Mr. BOREN proposed an amendment to the joint resolution (H.J. Res. 492), supra, as follows:

At the appropriate place in the joint resolution add the following new section:

SEC. . (a) Section 445(b) of the Social Security Act is amended by striking out "Not later than June 30, 1984, the Governor" and inserting in lieu thereof "The Governor".

(b) Section 445(d) of such Act is amended by striking out the first and second sentences and inserting in lieu thereof the following: "After initial approval of a State work incentive demonstration program, the State may elect to use up to six months for planning purposes.".

(c) Section 445(e) of such Act is amended by striking out the third sentence and inserting in lieu thereof the following new sentence:

"The second evaluation shall be conducted three years from the date of the secretary's approval of the demonstration program.".

(d) Section 445(f) of such Act is amended by adding the following new subsection:

"(3) The Secretary of Health and Human Services shall conduct, in consultation with the states, a thorough study of the allocation formula described in subsection (1) of this section and report back to Congress no later than April 1, 1985 on the findings of this study with recommendations, if appropriate, for modifying the allocation formula to take into account state performance and to provide for the equitable distribution of funds.".

(e) The provisions of this section shall become effective on the date of the enactment of this joint resolution.

BUMPERS (AND OTHERS) AMENDMENT NO. 2870

Mr. BUMPERS (for himself, Mr. LEAHY, Mr. SASSER, Mr. JOHNSTON, Mr. BAUCUS, Mr. METZENBAUM, Mr. LEVIN, Mr. EXON, Mr. RANDOLPH, Mr. DIXON, Mr. BIDEN, Mr. ZORINSKY, Mr. MATSUNAGA, and Mr. RIEGLE) submitted an amendment to the joint resolution (H.J. Res. 492), supra, as follows:

At the end of the amendment by Mr. Inouye, insert the following:

"If at any time following the appropriation of the funds herein the duly elected President of El Salvador should be prevented from taking office by military force or military decree or after taking office shall be deposed by military force or military decree, all funds appropriated herein and not theretofore dispersed shall be immediately withheld unless reappropriated by Congress."

STEVENS AMENDMENT NO. 2871

Mr. STEVENS proposed an amendment to the joint resolution (H.J. Res. 492), supra, as follows:

On page 1, lien 3, strike out "sum is" and insert in lieu thereof "sums are".

On page 6, line 19, strike out "98-394" and insert in lieu thereof "98-146".

AUTHORIZATION OF DEVELOPMENT AND SECURITY ASSISTANCE PROGRAMS

STEVENS AMENDMENT NO. 2872

(Ordered referred to the Committee on Foreign Relations.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill (S. 2346) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize development and security assistance programs for fiscal years 1984 and 1985, and for other purposes; as follows:

Section 101 is amended by adding a subsection at the end of this section to read, "There will be no authorization for appropriations for Portugal under this section for fiscal year 1985".

Section 110 is amended by adding a subsection at the end of this section to read, "There will be no authorization for appropriations for Portugal under this section for fiscal year 1985".

Section 114 is amended by adding a subsection at the end of this section to read, "There will be no authorization for appropriations for Portugal under this section for fiscal year 1985".

Section 201 is amended by adding a subsection at the end of this section to read, "There will be no authorization for appropriations for Portugal under this section for fiscal year 1985".

Mr. STEVENS. Mr. President, I send to the desk an amendment to the Foreign Assistance Act authorization bill for fiscal year 1985, and request that this amendment be considered when the authorization bill is considered on the floor. This amendment would eliminate from the foreign aid package $208 million of foreign aid to the Government of Portugal. I am compelled to introduce this measure because the Portuguese Government has failed to abide by accepted standards of international trade in the negotiation of its fishery purchase agreement with the U.S. Government.

The Portuguese Government first expressed an interest in purchasing salted codfish from the United States in 1982. A major Alaskan producer of salted cod was advised in 1983 that the Portuguese national budget would provide for the purchase of between 3,000 and 5,000 metric tons of salted cod from the United States. Through the State Department, a formal proposal for the sale of up to 6,000 metric tons of wet salted cod was presented to the Portuguese Government. At that time, the Portuguese indicated that approximately 2,000 metric tons of wet salted cod would be purchased upon signing the agreement in 1983. An Alaskan cod supplier took immediate steps to procure this product. In further discussions between Portugal and the United States, a 1-year pact was agreed upon that would provide for the eventual purchase of 12,000 metric tons of salted cod from the United States, and the immediate purchase of 2,400 metric tons of salted cod that had already been procured.

After protracted negotiations, a fishery agreement was finally signed with the Government of Portugal on February 6, 1984. This agreement authorized the purchase of 12,000 metric tons of salted cod within 1 year, but guaranteed the purchase of only 3,600 metric tons of cod, 30 percent of the original total. The agreement also called for the immediate purchase of 2,400 metric tons of salted cod at a reasonable market price.

Now, 8 weeks after signing the fishery purchase agreement, the Portuguese Government has still failed to buy these fish. Two weeks ago, at a personal meeting with a Portuguese Minister, representatives from the United States Department of Commerce and from congressional offices were assured that this issue would be resolved immediately. No action has yet been taken by the Portuguese Government to honor the terms of the agreement. Mr. President, fish is a perishable commodity. Further delay in resolving this issue will result in the loss of millions of dollars to American businessmen who acted in good faith.

The Portuguese Government, by failing to honor its purchase agreement, has demonstrated that it has not abided by established principles of international trade. I offer this amendment because I cannot support the provisions of foreign aid to countries that are unwilling to conduct fair international trade.

If America is to utilize its vast fisheries resource, our foreign trading partners must understand that trade agreements shall be honored.

SEXUAL EXPLOITATION OF CHILDREN

SPECTER AMENDMENT NO. 2873

Mr. STEVENS (for Mr. SPECTER) proposed an amendment to the bill (H.R. 3635) to amend chapter 110 (relating to sexual exploitation of children) of title 18 of the United States Code, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Child Protection Act of 1984".

SEC. 2. The Congress finds that—

(1) child pornography has developed into a highly organized, multi-million-dollar industry which operates on a nationwide scale;

(2) thousands of children including large numbers of runaway and homeless youth are exploited in the production and distribution of pornographic materials; and

(3) the use of children as subjects of pornographic materials is harmful to the physiological, emotional, and mental health of the individual child and to society.

SEC. 3. Section 2251 of title 18 of the United States Code is amended—

(1) by striking out "visual or print medium" each place it appears and inserting "visual depiction" in lieu thereof;

(2) by striking out "depicting" each place it appears and inserting "of" in lieu thereof;

(3) by striking out "person" each place it appears in subsection (c) and inserting "individual" in lieu thereof;

(4) by striking out "$10,000" and inserting "$100,000" in lieu thereof;

(5) by striking out "$15,000" and inserting "$200,000" in lieu thereof; and

(6) by adding at the end of subsection (c) the following: "Any organization which violates this section shall be fined not more than $250,000.".

SEC. 4. Section 2252 of title 18 of the United States Code is amended—

(1) by striking out ", for the purpose of sale or distribution for sale";

(2) by striking out "for the purpose of sale or distribution for sale" the second place it appears;

(3) by striking out "obscene" each place it appears;

(4) by striking out "visual or print medium" each place it appears and inserting "visual depiction" in lieu thereof;

(5) by striking out "depicts" each place it appears and inserting "is of" in lieu thereof;

(6) by striking out "or knowingly sells or distributes for sale" and inserting in lieu thereof "or distributes";

(7) by inserting after "mailed" the following; "or knowingly reproduces any visual depiction for distribution in interstate or foreign commerce or through the mails";

(8) by striking out "person" each place it appears in subsection (b) and inserting "individual" in lieu thereof;

(9) by striking out "$10,000" and inserting "$100,000" in lieu thereof;

(10) by striking out "$15,000" and inserting "$200,000" in lieu thereof; and

(11) by adding at the end of subsection (b) the following: "Any organization which vio-

lates this section shall be fined not more than $250,000"

SEC. 5. (a) Section 2253 of title 18 of the United States Code is amended—

(1) in paragraph (1), by striking out "sixteen" and inserting "eighteen" in lieu thereof;

(2) by striking out "sado-masochistic" and inserting "sadistic or masochistic" in lieu thereof;

(3) by striking out "(for the purpose of sexual stimulation)"; and

(4) by striking out "lewd" and inserting "lascivious" in lieu thereof;

(5) by striking out ", for pecuniary profit"; and

(6) by amending paragraph (4) to read as follows:

"(4) 'organization' means a person other than an individual.

(b) Section 2253 of title 18 of the United States Code, as amended by subsection (a) is redesignated as section 2255.

SEC. 6. Chapter 110 of title 18 of the United States Code is amended by inserting after section 2252 the following:

"§ 2253. Criminal forfeiture

"(a) A person who is convicted of an offense under section 2251 or 2252 of this title shall forfeit to the United States such person's interest in—

"(1) any property constituting or derived from gross profits or other proceeds obtained from such offense; and

"(2) any property used, or intended to be used, to commit such offense.

"(b) In any action under this section, the court may enter such restraining orders or take other appropriate action (including acceptance of performance bonds) in connection with any interest that is subject to forfeiture.

"(c) The court shall order forfeiture of property referred to in subsection (a) if the trier of fact determines, beyond a reasonable doubt, that such property is subject to forfeiture.

"(d)(1) Except as provided in paragraph (3) of this subsection, the customs laws relating to disposition of seized or forfeited property shall apply to property under this section, if such laws are not inconsistent with this section.

"(2) In any disposition of property under this section, a convicted person shall not be permitted to acquire property forfeited by such person.

"(3) The duties of the Secretary of the Treasury with respect to dispositions of property shall be performed under paragraph (1) of this subsection by the Attorney General, unless such duties arise from forfeitures effected under the customs laws.

"§ 2254. Civil forfeiture

"(a) The following property shall be subject to forfeiture by the United States:

"(1) Any material or equipment used, or intended for use, in producing, reproducing, transporting, shipping, or receiving any visual depiction in violation of this chapter.

"(2) Any visual depiction produced, transported, shipped, or received in violation of this chapter, or any material containing such depiction.

"(3) Any property constituting or derived from gross profits or other proceeds obtained from a violation of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(b) All provisions of the customs law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, insofar as applicable and not inconsistent with the provisions of this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer.".

SEC. 7. The table of sections at the beginning of chapter 110 of title 18 of the United States Code is amended—

(1) by inserting after the item relating to section 2252 the following new items:

"2253. Criminal forfeiture.
"2254. Civil forfeiture."; and

(2) by redesignating the item relating to section 2253 as 2255.

SEC. 8. Section 2516(1)(c) of title 18 of the United States Code is amended by inserting "sections 2251 and 2252 (sexual exploitation of children)," after "section 664 (embezzlement from pension and welfare funds),".

SEC. 9. Beginning one hundred and twenty days after the date of enactment of this Act, and every year thereafter, the Attorney General shall report to the Congress on prosecutions, convictions, and forfeitures under chapter 110 of title 18 of the United States Code.

DEEP WATER PORT ACT AMENDMENTS

PACKWOOD AMENDMENT NO. 2874

Mr. STEVENS (for Mr. PACKWOOD) proposed an amendment to the bill (S. 1546) to amend the Deep Water Port Act of 1974, and for other purposes; as follows:

On page 13, line 9, strike "$4,000,000.'." and insert in lieu thereof "$4,000,000, but only to such extent and in such amounts as are provided in advance in appropriation Acts. Such amounts shall remain available until expended.'.".

COLLECTION OF A FEE IN CONNECTION WITH VETERANS' ADMINISTRATION HOME LOANS

SIMPSON (AND CRANSTON) AMENDMENT NO. 2875

Mr. STEVENS (for Mr. SIMPSON and Mr. CRANSTON) proposed an amendment to the bill (S. 2391) to amend title 38, United States Code, to revise the authority for the collection of a fee in connection with housing loans guaranteed, made, or insured by the Veterans' Administration; as follows:

On page 2, strike out the period at the end of line 14 and insert in lieu thereof a comma and "except that the amendment made by clause (1) of section 2 shall take effect with respect to loans closed 14 days or more after the date of the enactment of this Act.".

URGENT SUPPLEMENTAL APPROPRIATION

MELCHER AMENDMENT NO. 2876

(Ordered held at the desk.)

Mr. MELCHER submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 492, supra; as follows:

On page 3, strike everything from the beginning of line 4 through "$61,750,000", and insert in lieu thereof the following:

"The additional amounts of $13,500,000 for medical aid, and $14,000,000 for food aid shall be appropriated for El Salvador, as well as an additional amount of $7,900,000 (3 percent of the regular fiscal year 1984 appropriation for El Salvador) to carry out the provisions of Section 503 of the Foreign Assistance Act of 1961".

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled before the Subcommittee on Public Lands and Reserved Water on Friday, April 6, at 10 a.m. to consider S. 2125, the Arkansas Wilderness Act of 1983, will be held in room SD-366 instead of room SD-628, as previously scheduled.

ADDITIONAL STATEMENTS

BUDGET STATUS REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate a status report on the budget for fiscal year 1984 pursuant to section 311 of the Congressional Budget Act.

Since my last report, the Congress has cleared for the President's signature House Joint Resolution 493, making supplemental appropriations for low-income energy assistance and emergency food assistance to Africa.

The status report follows:

REPORT TO THE PRESIDENT OF THE U.S. SENATE, FROM THE COMMITTEE ON THE BUDGET, STATUS OF THE FISCAL YEAR 1984 CONGRESSIONAL BUDGET, ADOPTED IN HOUSE CONCURRENT RESOLUTION 91, REFLECTING COMPLETED ACTION AS OF MARCH 28, 1984

[In millions of dollars]

	Budget authority	Outlays	Revenues
Second budget resolution level	922,125	852,125	679,600
Current level	921,854	854,328	665,286
Amount remaining	271	0	0

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and which exceeds $271 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 91 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and which would result in outlays exceeding $0 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 91 to be exceeded.

REVENUES

Any measure that would result in revenue loss exceeding $0 million of fiscal year 1984, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 91.●

AMERICAN STEEL PRODUCTIVITY INCREASES

● Mr. HEINZ. Mr. President, recently the Labor and Human Resources Subcommittee on Employment and Productivity held hearings on the future of the American steel industry. During those hearings, Mr. Frank Luerssen, chairman of Inland Steel Co., testified on behalf of the American Iron & Steel Institute that contrary to popular belief, the productivity of U.S. integrated steelmakers has been increasing. According to World Steel Dynamics, American man-hours per net ton of steel shipped has decreased steadily over the past several years to 6.48. By comparison, Japan requires 7.28 and West Germany, France and the United Kingdom all require more than 11. He also pointed out that recent data indicate that the U.S. industry is still competitive with, although somewhat behind Japan in some respects, and highly competitive with its European counterparts.

Mr. President, this evidence contradicts the notion that our steel industry is falling behind. Critics of recent efforts by the industry to return to health routinely overlook such positive indicators while ignoring the serious effects of excessive foreign capacity and massive Government involvement in exporting the excess steel to our market. In the interest of setting the record straight on this issue and bringing about an overdue change in attitudes about this very critical national industry, I ask that a copy of Mr. Luerssen's testimony be placed in the RECORD.

The testimony follows:

ORAL STATEMENT OF FRANK W. LUERSSEN, CHAIRMAN, INLAND STEEL CO., ON BEHALF OF AMERICAN IRON & STEEL INSTITUTE BEFORE SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY, COMMITTEE ON LABOR AND HUMAN RESOURCES, U.S. SENATE, MARCH 22, 1984

Mr. Chairman, my name is Frank Luerssen. I am chairman and president of the Inland Steel Co., headquartered in Chicago, and operating its single steel plant—the largest in North America—in the heart of the Nation's largest steelmaking and consuming area. I am testifying on behalf of the American Iron and Steel Institute, whose membership incudes 63 domestic steel companies accounting for about 90 percent of the raw steel produced in the United States.

I have submitted a written statement to your subcommittee, as requested. The time allotted for my oral statement only permits a sketchy summary of the present crisis state of the American steel industry.

Mr. Chairman, in 1983 the American steel industry had total sales from steel operations of about $26 billion; employed an average of 243,000 persons—including 169,000 hourly workers; paid out more than $7 billion in wages and salaries in the 39 States and 299 communities in which it operates; and despite massive structural changes it has endured. Steel still accounts for more than 90 percent of all metals consumed nationally and remains America's primary basic material.

The industry's severe economic dislocations of 1982 and 1983 are well known to all of you—combined losses in excess of $6 billion, reflecting not only the depression in steel markets, but the alarming growth of steel imports, continued high costs, inadequate price realizations and the absence of positive cash flow so essential to modernization. Despite this overload of negatives, our written statement clearly demonstrates that the domestic steel industry is competitive in its home markets.

I am disturbed by the degree to which this crisis is advertised as being self-inflicted. Much of the criticism not only is unfair but uninformed, and I cite the news release for this hearing as an example. It stated that the "U.S. steel industry has declined in productivity." Now that is just not true.

The latest dats demonstrate that U.S. integrated steelmakers have improved their productivity and now rank with Japanese producers on labor productivity at actual operating rates. In fact, during the third quarter of 1983, the U.S. industry actually led the Japanese in man-hours per net ton of shipped steel by a small margin, and led European producers by a very wide margin. The same highly respected data source, World Steel Dynamics, provides ample evidence that the U.S. steel industry is still competitive with, although behind Japan in some respects, and highly competitive with its European counterparts.

Gentlemen, the major cause of the American steel crisis is the existence of excess capacity abroad, and its effect on our business. This excessive foreign capacity and massive government involvement in shipping the excess steel overseas has distorted the operation of the steel trade market mechanism. You connot ignore the fact that private American producers compete with subsidized foreign producers, operating from protected home markets and offering export prices significantly below their costs. The data in our submission makes that eminently clear and the overwhelming evidence in the marketplace supports it. Witness, for example, January steel imports of more than 2 million tons, a near-record 26 percent of the domestic market. And note, if you will, the ruling earlier this week by the International Trade Commission against five trading partners for material injury to the American steel industry.

Since 1980, our competitiveness has been weakened as well by unfavorable exchange rates, and the prolonged dearth of adequate cash flow which severely restricts our modernization programs, especially in such cost-effective indeavors as continuous casting. The industry's debt to equity ratio has risen distressingly from about 43 percent in 1981 to 82 percent in 1983. And the traditional source of capital have virtually dried up, forcing the industry to resort to novel off-balance sheet financing to meet the most urgent capital needs.

Despite this discouraging and highly ominous situation, the domestic industry has carried out a wide array of self-help measures. Chief among these have been operating improvements including increased blast furnace output, the commitment to doubling continuous casting capacity over the next 5 years, significant improvements in metallurgy, electric furnace operations where the American industry is the world leader, computerization, process control, and sensor development, and differentiated quality steel product second to none worldwide.

Stringent energy conservation measures have produced an 11-percent reduction in Btu's per ton steel over the past decade. Nonunion employment costs have been curtailed substantially. And the industry has begun the difficult task of reducing the vast dispartiy between unit labor costs at home and abroad. With the cooperation of our employees. A long-overdue beginning was made in March of 1983, in effect stabilizing employment costs through mid-1986, but we recognize that is only a first step in eliminating our large cost disadvantage.

We have done much more to help ourselves, including closures and divestitures with which you are familiar, along with selected modest efforts at diversification to soften the economic blow and to re-establish profitability. We have drastically altered our inventory policies and found new ways to raise limited amounts of capital through the sale of preferred stock, various forms of leasing and project financing. But all of these have not sufficiently removed us from the brink of threatened insolvency.

The dimensions of our present crisis far exceed the category of cyclical fluctuations. The steel trade distortions to which I referred earlier have seriously disrupted our steel markets. And again, gentlemen, I am disturbed to read that our efforts to secure a 15-percent limitation on foreign steel shipments is perceived as protectionist, and a move that might restrict our markets to foreign steelmakers. Can any among you tell me where else in the world you will find any other advanced industrial nation as open as ours, which permits outsiders to control as much as 15 percent of the domestic supply. It does not exist.

And can anyone seriously entertain the notion that a 15-percent limit on steel imports will precipitate major price increases here at home? That argument runs head-on against the reality of hundreds of millions of tons of overcapacity abroad, and ignores the power of major steel buyers in this country, as well as the persistent threat of competitive materials. And then there are

those doctrinaire free traders among us who would willingly abandon steel and other basic industries to the developing nations and the dumpers, on the theory that we will prevail in high-tech and services. They obviously are ignoring the potential fallout and dislocation to our society, including a further permanent loss of jobs, the loss of tax revenues and the inevitable increased burden of tax-supported welfare programs such misguided policy would engender. And if it sounds like I am waving the flag: so be it. We cannot depend on foreign steel for our own national defense, and if foreign steel producers capture a larger share of our markets they most surely will reap higher prices, as the experience of 1973–74 demonstrated.

I would like to share an item I saw in the daily press earlier this week, attributing this statement to a progenitor of the modern Japanese steel industry. He said: "Steel is the mother of industry and the basis for national security. Without steel there can be no industry, for it is recognized that the steel industry determines the destiny of a nation." Gentlemen, he said it in 1891. I submit it is valid in this time, and in this place, and that you have a national responsibility to assure that the American steel industry survives—lean, and up-to-date, and strong enough to supply America's requirements and preserve our national security in the years ahead.

The Fair Trade in Steel Act of 1984 is not the whole answer, but it is a critical necessity right now, as the industry struggles against economic adversity at home and unfair competition abroad. I urge you to support H.R. 5081 and S. 2380.

Thank you for your kind attention.●

INTERSTATE SYSTEM RESURFACING, RESTORATION, REHABILITATION, AND RECONSTRUCTION AMENDMENTS OF 1983

● Mr. D'AMATO. Mr. President, I have added my name as a cosponsor of S. 1498, the Interstate System Resurfacing, Restoration, Rehabilitation, and Reconstruction Amendments of 1983. This bill provides for a new, more equitable formula for apportioning funds to States for purposes of the Federal interstate 4-R program. The new formula will more appropriately address the purposes for which these funds are dedicated; that is, to preserve and extend the service life of our aging Interstate System.

Under the current formula, funds are apportioned to States based on a formula that considers lane miles and vehicle miles, but does not address the very factors which contribute substantially to the deterioration of our highways. S. 1498 would take into account the serious effects of weather, geography, and truck use on actual State needs for interstate repair and rehabilitation funds.

The formula contained in S. 1498 considers lane miles, diesel fuel consumption, and bridge needs on the Interstate System. Lane miles, which indicate the extent of a State's interstate mileage, is already part of the current formula. Diesel fuel consumption is a new factor which will help account for the severe effects of truck traffic on pavement condition. And bridge needs, another new factor, will reflect the differences in terrain and the harshness of weather conditions—requiring melting agents which damage pavement—in various parts of this Nation.

It is important that we carefully and thoughtfully apportion our vital interstate 4–R funds so they will best serve the need for properly maintained, safe highways. This bill will help achieve this goal and presents a responsive approach to the different needs of States concerning their interstate highways.●

COMMENDATION OF COLOMBIAN NATIONAL POLICE SPECIAL ANTINARCOTICS UNIT

● Mr. D'AMATO. Mr. President, today I join as a cosponsor of Senate Joint Resolution 358, which commends the Colombian National Police Special Antinarcotics Unit for its unprecedented success in executing the largest narcotics seizure in the history of law enforcement.

Working with remarkable precision, officers of the antinarcotics unit struck quickly against armed resistance on March 10, 1984, to seize almost 14 tons of cocaine at a processing site on the banks of the Yari River deep in Colombia. Officials of the U.S. Drug Enforcement Administration estimate the street value of the seizure at $1.2 billion. Clearly, this was a dramatic and effective blow to the insidious forces of international narcotics trafficking.

As we acknowledge the significance of this raid, we must also clearly reflect on the lessons learned from the action, and the substantial challenges that still lie before us. Analysis of the raid on the Yari River location provides a unique look at the violent nature of those who are involved with the processing and transportation of narcotics in Latin America. The processing operation was provided protection by an armed wing of the Colombian Communist Party, the Fuerzas Armados Revolucionarias Colombias (FARC). Officials of our Government have identified the FARC as the largest, oldest, best-equipped, best-trained, and potentially most dangerous subversive group in Colombia. When the Colombian strike force moved in, they encountered sharp resistance from units of this guerrilla organization. It was only through the bravery of the police forces that the guerrilla counterattack was defeated and the seizure made.

The protection of the FARC forces had been purchased at a high price. Estimates indicate the guerrillas sold protection services to the drug operation in return for 10 percent of the gross income of the processing setup. It is an indication of the productivity of this illicit enterprise that the FARC had been paid more than $3 million per month as their share of the take. It is not difficult to envision those millions being used by the FARC to purchase weapons, attract radical recruits, finance efforts to undermine the Colombian Government, and spread their brand of terrorism in Latin America.

The Yari River processing operation also gives an accurate depiction of the big business nature of narcotics trafficking; 10 fully equipped cocaine processing laboratories were functioning at the site at the time of the raid. The Colombian police seized seven aircraft used for drug transportation on three improved runways; 44 long-term structures, including showers and a commissary, had been erected to meet the needs of those staffing the operation. Enough food was on hand to feed 80 people for 6 months. Scattered about were submachine guns, rifles, shotguns, and uniforms to outfit more than two dozen guerrillas.

The Yari River raid also raises questions about one nation's absolute disregard for national sovereignty and human decency. In the wake of the operation, the Colombian Defense Ministry stated that the drug smugglers had been taking narcotics from Colombia and returning with weapons from Cuba for leftist insurgents. The Cuban involvement in this guns-for-drugs transaction is but another page of evidence in the voluminous testimony documenting the involvement of the Castro regime in international narcotics operations. Reasoned citizens of the world should shudder at the depths of indecency explored by Cuba as it seeks to destabilize legitimate governments, foment revolution, and bankroll guerrilla warfare by any means at its disposal. I, therefore, reiterate my support of resolutions previously introduced by the gentleman from Florida which will call upon international agencies to investigate the role of Cuba in drug trafficking.

Yes; the raid on the Yari River cocaine processing site in Colombia represents a battlefield victory in the war against narcotics. However, in the flush of success, we must realize that, although 14 tons of cocaine were seized, more than 50 tons were consumed last year in the United States.

Therefore, we must continue to encourage international programs, such as that in Colombia, which seeks to stamp out the production and flow of drugs at the point of origin. We also must strongly support efforts to interdict narcotics shipments from abroad that are targeted for our shores.

We must dedicate adequate resources to our enforcement agencies in the United States to fight the distribution of narcotics and dangerous drugs on the streets of our cities and in our

suburban and rural communities. And we must continue to support those education programs that are beginning to produce reductions in drug use by our youth.

I commend the leaders of the Colombian Special Antinarcotics Unit for their commitment to duty. I pay special tribute to the 40 brave officers who seized the Yari River processing site and repulsed the counterattack by a guerrilla force of greater number. I am grateful to all concerned for providing a dramatic example of the progress that can be made in the war against drugs when planning, resources, and action are brought together to render a blow that will be remembered as the "bust heard 'round the world."●

BIOMEDICAL RESEARCH TRAINING AND MEDICAL LIBRARY ASSISTANCE AMENDMENTS OF 1983

● Mr. PRYOR. Mr. President, today I wish to express my support for the Biomedical Research Training and Medical Library Assistance Amendments of 1983. This is important legislation which authorizes through fiscal year 1986 the National Cancer Institute, the National Heart, Lung, and Blood Institute, medical library sciences training, and health information and promotion. In addition, this bill establishes a National Institute of Arthritis and Musculoskeletal and Skin Diseases within the National Institutes of Health. This new institute will conduct and assist research and operate an information clearing house.

A separate institute for arthritis will provide for significantly increased visibility for rheumatic and musculoskeletal diseases and result in major advances against the most widespread disease afflicting Americans. Arthritis debilitates about one-seventh of our population, and this legisation is a tangible expression of a national commitment.

I am pleased that the Senate will have an opportunity to consider this proposal. I believe it will address one of the most important challenges facing medical research today.●

ORDERS FOR MONDAY

ORDER FOR RECESS UNTIL MONDAY

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 12 noon Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATORS KASTEN AND PROXMIRE

Mr. STEVENS. Mr. President, after the time for the two leaders under the standing order, I ask unanimous consent that special orders be granted for not to exceed 15 minutes each to Senators KASTEN and PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, following those special orders, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond 1:30 p.m. with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, it is my understanding that following the conclusion of routine morning business the Senate will resume consideration of House Joint Resolution 492. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

RECESS UNTIL MONDAY, APRIL 2, 1984

Mr. STEVENS. Mr. President, is there further business to come before the Senate?

Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until Monday next.

The motion was agreed to, and the Senate, at 4:10 p.m., recessed until Monday, April 2, 1984, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 30, 1984:

DEPARTMENT OF STATE

Stephen Warren Bosworth, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines.

NATIONAL SCIENCE FOUNDATION

David T. Kingsbury, of California, to be an Assistant Director of the National Science Foundation, vice Eloise E. Clark, resigned.

DEPARTMENT OF DEFENSE

Chapman B. Cox, of Virginia, to be General Counsel of the Department of Defense, vice William H. Taft, IV.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. John N. Brandenburg, [redacted], age 54, U.S.

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Raymond E. Belz, [redacted]
Maj. Harold J. Blocker, [redacted]
Maj. William I. Brodt, [redacted]
Maj. George T. Bullman, [redacted]
Maj. Clinton R. Churchill, [redacted]
Maj. Arthur B. Cornelius, [redacted]
Maj. Steven E. Darland, [redacted]
Maj. Matthew S. Evans, Jr., [redacted]
Maj. Leslie G. Fairweather, [redacted]
Maj. Michael C. Farmer, [redacted]
Maj. Matthew H. Feiertag, [redacted]
Maj. Ronald N. Germano, [redacted]
Maj. Lewis J. Haines, [redacted]
Maj. Richard A. Hoadley, [redacted]
Maj. Stephen G. Kearney, [redacted]
Maj. Cecil A. Lynn, Jr., [redacted]
Maj. Terry A. Maynard, [redacted]
Maj. William J. McCabe, [redacted]
Maj. Charles J. McKinstry, [redacted]
Maj. Eugene J. Muha, [redacted]
Maj. Lawrence E. Pabin, [redacted]
Maj. Herbert H. Parks, [redacted]
Maj. Jerry S. Placko, [redacted]
Maj. Robert L. Powell, [redacted]
Maj. Darrell W. Preece, [redacted]
Maj. James L. Radtke, [redacted]
Maj. Joe T. Short, [redacted]
Maj. Richard T. Syrcle, [redacted]
Maj. Merlyn S. Tidemann, [redacted]
Maj. Benjamin E. Whitmeyer, [redacted]

LEGAL

Maj. Vincent J. Poppiti, [redacted]

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be appointed in a grade higher than that indicated.

LINE OF THE AIR FORCE

To be captain

Abbott, Candace C., [redacted]
Abegg, Joe H., [redacted]
Abernathy, William H., Jr., [redacted]
Abma, Anneke C., [redacted]
Aboulhosn, Hafez W., [redacted]
Acker, Eric S., [redacted]
Acree, James L., [redacted]
Adams, Bradley S., [redacted]
Adams, Bruce K., [redacted]
Adams, Reginald L., [redacted]
Adams, Timothy K., [redacted]
Agront, Abraham, Jr., [redacted]
Ahmadjian, Mark, [redacted]
Akey, Michael D., [redacted]
Albert, Paul S., [redacted]
Alberts, Michael L., [redacted]
Aldridge, Stuart L., [redacted]
Alerding, John, E., III, [redacted]
Alford, Lionel D., Jr., [redacted]
Allen, David M., [redacted]
Allen, Dennis L., [redacted]
Allen, Lauren B., [redacted]
Allen, Patrick H., [redacted]
Allen, Travis L., [redacted]
Alleva, John, [redacted]
Alred, David R., [redacted]
Alred, Iris J., [redacted]
Andersen, Robert L., [redacted]
Anderson, Douglas W., [redacted]
Anderson, Lisa K., [redacted]
Anderson, Mark S., [redacted]
Anderson, Mondell R., [redacted]
Anderson, Richard L., II, [redacted]
Anderson, Stephen W., [redacted]
Andino, Sheri W., [redacted]
Andries, James P., [redacted]
Ankenman, Larry A., [redacted]
Antoine, Vanessa L., [redacted]
Antons, Christopher M., [redacted]
Apgar, Glen A., [redacted]

Apple, Stephen J., xxx-xx-xxxx
Arena, Frank P., Jr., xxx-xx-xxxx
Arias, Eugenio V., xxx-xx-xxxx
Arnold, Larry J., xxx-xx-xxxx
Arnold, Toni A., xxx-xx-xxxx
Arrillaga, Rafael A., xxx-xx-xxxx
Ashby, Phillip T., xxx-xx-xxxx
Atterbury, Caren E., xxx-xx-xxxx
Aungst, Susan J., xxx-xx-xxxx
Austin, Carrell V., xxx-xx-xxxx
Austin, James E., xxx-xx-xxxx
Avery, Joseph P., xxx-xx-xxxx
Axup, Peter R., xxx-xx-xxxx
Baca, Jan C., xxx-xx-xxxx
Bachmann, Thomas, xxx-xx-xxxx
Backes, Joseph G., xxx-xx-xxxx
Backlin, Gayle A., xxx-xx-xxxx
Bader, Dana J., xxx-xx-xxxx
Bailes, Charles V., xxx-xx-xxxx
Bailey, John, xxx-xx-xxxx
Bailey, Mark E., xxx-xx-xxxx
Bailey, Mark H., xxx-xx-xxxx
Baird, Kenneth M., xxx-xx-xxxx
Baker, Cindy S., xxx-xx-xxxx
Baker, Darrell L., xxx-xx-xxxx
Baker, Steven R., xxx-xx-xxxx
Baldwin, David A., xxx-xx-xxxx
Baldwin, Floyd H., xxx-xx-xxxx
Ball, John E., xxx-xx-xxxx
Ballenger, Wesley A., Jr., xxx-xx-xxxx
Baltes, Michael C., xxx-xx-xxxx
Baltrusch, Joey L., xxx-xx-xxxx
Bard, John C., Jr., xxx-xx-xxxx
Barilovich, John P., xxx-xx-xxxx
Barnes, Jeffrey L., xxx-xx-xxxx
Barragy, David J., xxx-xx-xxxx
Barron, Stephen C., xxx-xx-xxxx
Barrow, Mark D., xxx-xx-xxxx
Bartels, Randy L., xxx-xx-xxxx
Bascomb, Emerson A., xxx-xx-xxxx
Bauer, Jeffrey L., xxx-xx-xxxx
Bauernfeind, James C., xxx-xx-xxxx
Bawden, Leann M., xxx-xx-xxxx
Bay, Gary W., xxx-xx-xxxx
Baybutt, Kenneth M., xxx-xx-xxxx
Bazan, Hermilio, Jr., xxx-xx-xxxx
Bean, Michael D., xxx-xx-xxxx
Bearden, David A., xxx-xx-xxxx
Beaty, Robert E., xxx-xx-xxxx
Beauregard, Mark R., xxx-xx-xxxx
Beavers, Sarah A., xxx-xx-xxxx
Beck, Allan R., xxx-xx-xxxx
Backer, John C., xxx-xx-xxxx
Bacraft, Brian G., xxx-xx-xxxx
Bell, Marvin E., xxx-xx-xxxx
Bellefeuille, David T., xxx-xx-xxxx
Bennett, Mark A., xxx-xx-xxxx
Bennett, Robert T., xxx-xx-xxxx
Bensemon, Richard C., xxx-xx-xxxx
Benson, Brian D., xxx-xx-xxxx
Benson, Dean K., xxx-xx-xxxx
Benson, Robert M., xxx-xx-xxxx
Beranek, Lisa A., xxx-xx-xxxx
Berardinelli, Thomas F., xxx-xx-xxxx
Bergdahl, Brian C., xxx-xx-xxxx
Berk, Kevin J., xxx-xx-xxxx
Bermann, Robert A., xxx-xx-xxxx
Berminghan, John G., xxx-xx-xxxx
Bernard, Steven W., xxx-xx-xxxx
Berry, Matthew J., xxx-xx-xxxx
Berryhill, Steven J., xxx-xx-xxxx
Bettis, Keith R., xxx-xx-xxxx
Bianco, Melanie xxx-xx-xxxx
Bibee, Michael N., xxx-xx-xxxx
Bick, Charles L., xxx-xx-xxxx
Bigelow, Brad S., xxx-xx-xxxx
Binekey, Richard J., xxx-xx-xxxx
Bishop, James V., xxx-xx-xxxx
Bishop, Stephen A., xxx-xx-xxxx
Bitner, Jean E., xxx-xx-xxxx
Bjorkman, Eileen A., xxx-xx-xxxx
Black, James R., xxx-xx-xxxx
Black, Steven K., xxx-xx-xxxx
Black, Steven M., xxx-xx-xxxx
Blackmun, Karl W., xxx-xx-xxxx
Blaisdell, Bruce E., xxx-xx-xxxx
Blake, Thomas C., xxx-xx-xxxx
Blalock, David A., xxx-xx-xxxx
Blehm, David A., xxx-xx-xxxx
Blodgett, Stephen R., xxx-xx-xxxx
Bloom, Daniel L., xxx-xx-xxxx
Bloomfield, Lynn D., xxx-xx-xxxx
Blume, Dave T., xxx-xx-xxxx
Blumenberg, Kenneth L., xxx-xx-xxxx
Boada, Richard J., xxx-xx-xxxx
Bobzien, Melanie C., xxx-xx-xxxx
Bodenschatz, Carl D., xxx-xx-xxxx
Boensch, Angela S., xxx-xx-xxxx
Boensch, Charles J., xxx-xx-xxxx
Bogdanski, Lisa M., xxx-xx-xxxx
Boggs, Kevin G., xxx-xx-xxxx
Bohn, Helen A., xxx-xx-xxxx
Boluda, Jose M., xxx-xx-xxxx
Bonczek, Roman J., xxx-xx-xxxx
Bonds, Jonathan R., xxx-xx-xxxx
Borja, Anthony R., xxx-xx-xxxx
Boronow, William J., xxx-xx-xxxx
Botkin, James E., xxx-xx-xxxx
Bouchard, Lawrence J., xxx-xx-xxxx
Bourque, Dale A., xxx-xx-xxxx
Bowser, Cameron S., xxx-xx-xxxx
Boyd, Mark A., xxx-xx-xxxx
Boyer, King D., Jr., xxx-xx-xxxx
Boylan, William T., xxx-xx-xxxx
Boyle, Frank A., xxx-xx-xxxx
Braboy, Alan B., xxx-xx-xxxx
Bradberry, Phillip C., xxx-xx-xxxx
Bradshaw, John R., xxx-xx-xxxx
Bradshaw, Wayne C., xxx-xx-xxxx
Bragger, John W., Jr., xxx-xx-xxxx
Bragger, Susan J., xxx-xx-xxxx
Bramblett, Omer A., xxx-xx-xxxx
Brand, Jeffrey A., xxx-xx-xxxx
Bratcher, Robert W., xxx-xx-xxxx
Braun, Robert W., xxx-xx-xxxx
Breen, William H., xxx-xx-xxxx
Brees, Daniel J., xxx-xx-xxxx
Breiling, Roy E., xxx-xx-xxxx
Brevard, Lawrence C., xxx-xx-xxxx
Brewster, James G., Jr., xxx-xx-xxxx
Brickerd, Scott J., xxx-xx-xxxx
Bridges, Michael W., xxx-xx-xxxx
Brigance, Edwin S., xxx-xx-xxxx
Brock, Ronald W., xxx-xx-xxxx
Broner, Lester A., Jr., xxx-xx-xxxx
Brooks, Robert J., xxx-xx-xxxx
Broome, Ike, Jr., xxx-xx-xxxx
Brown, Barry W., xxx-xx-xxxx
Brown, Daryl F., xxx-xx-xxxx
Brown, Deanna M., xxx-xx-xxxx
Brown, Deborah C., xxx-xx-xxxx
Brown, Derek W., xxx-xx-xxxx
Brown, Jarvis L., Jr., xxx-xx-xxxx
Brown, Jere L., xxx-xx-xxxx
Brown, Theodore A., xxx-xx-xxxx
Brown, Tommy J., xxx-xx-xxxx
Bruce, Karen A., xxx-xx-xxxx
Bruce, Kay S., xxx-xx-xxxx
Brunin, Steven P., xxx-xx-xxxx
Bruning, Steven H., xxx-xx-xxxx
Bruno, Robert C., xxx-xx-xxxx
Brunson, Betty J., xxx-xx-xxxx
Bryan, Daniel M., xxx-xx-xxxx
Bryan, Michael R., xxx-xx-xxxx
Bryant, James A., Jr., xxx-xx-xxxx
Buckmelter, Jeffery, xxx-xx-xxxx
Buechler, Stanley T., xxx-xx-xxxx
Bull, Terence P., xxx-xx-xxxx
Bullard, John R., xxx-xx-xxxx
Bullock, Paula J. N., xxx-xx-xxxx
Bumgarner, Thad F., Jr., xxx-xx-xxxx
Bumpus, Michael A., xxx-xx-xxxx
Burgstiner, Danny L., xxx-xx-xxxx
Burke, Kevin J., xxx-xx-xxxx
Burnes, Brain C., xxx-xx-xxxx
Burns, Betty J., xxx...
Burns, Gordon R., xxx-xx-xxxx
Burr, Thaddeus E., xxx-xx-xxxx
Burton, Baron, E., xxx-xx-xxxx
Burton, Denise R., xxx-xx-xxxx
Buschur, Donald A. J., xxx-xx-xxxx
Busscher, Wanda N., xxx-xx-xxxx
Bussert, Laura L., xxx-xx-xxxx
Butler, Dale E., xxx-xx-xxxx
Bye, George E., xxx-xx-...
Byrne, William B., III, xxx-xx-xxxx
Cafiero, Gaeton A., xxx-xx-xxxx
Caldwell, Richard A., xxx-xx-xxxx
Callahan, John A., xxx-xx-xxxx
Calloway, Jack W., xxx-xx-xxxx
Campbell, Elizabeth A., xxx-xx-xxxx
Campbell, James J., Jr., xxx-xx-xxxx
Campbell, John O., xxx-xx-xxxx
Candler, Richard B., xxx-xx-xxxx
Cannon, David N., xxx-xx-xxxx
Cantrell, Arthur G., III, xxx-...
Capra, Anthony, xxx-xx-xxxx
Card, Bruce E., xxx-xx-xxxx
Cardwell, Joseph D., xxx-xx-x...
Carlson, Mark D., xxx-xx-x...
Carlson, Michael L., xxx-x...
Carmichael, Douglas N., xxx-xx-...
Carrick, Eugene L., Jr., xxx-...
Carrier, John M., xxx-...
Carroll, Douglas W., xxx-xx-xxxx
Carroll, James B., xxx-xx-xxxx
Carter, Deborah L., xxx-xx-...
Carter, Don H., xxx-...
Carter, Robert J., xxx-...
Carter, Stuart S., xxx-...
Case, Alan D., xxx-xx-...
Casey, Michael S., xxx-...
Cassell, Christopher R., xxx-xx-x...
Castillo, David R., xxx-...
Caudill, John F. xxx-xx-xxxx
Cavallaro, Joseph H., xxx-xx-xxxx
Cavitt, Larry D., xxx-...
Cawiezel, Selen L., xxx-...
Ceplius, Steven S. V., xxx-...
Chanatry, Michael G., xxx-...
Chansler, Phillip A., xxx-xx-...
Chapman, Christopher L., xxx-...
Charles, Ernest C. Jr., xxx-xx-xxxx
Charles, Wilbert E., xxx-...
Chavez, Joaquim B., xxx-xx-xxxx
Chemelli, William J., xxx-...
Chen, Alice J., xxx-xx-xxxx
Cherrick, Giles M., xxx-...
Chew, Donald B., xxx-xx-...
Childers, Donal D., xxx-xx-xxxx
Childs, Jeffrey A., xxx-xx-xxxx
Chilton, Donald C., xxx-xx-x...
Christ, Edward C. Jr., xxx-...
Cirignani, Patric F., xxx-...
Cissom, Rickey D., xxx-xx-xxxx
Clapp, Porter B. Jr., xxx-xx-...
Clark, Bethellen, xxx-xx-xxxx
Clark, Brian C., xxx-xx-xxxx
Clark, Daniel M., xxx-xx-xxxx
Clark, Edward G., xxx-xx-xxxx
Clark, Paul M., xxx-xx-xxxx
Clark, Ralph L., xxx-xx-xxxx
Clark, Ray M., xxx-xx-xxxx
Clark, Warren M., xxx-xx-...
Clarkin, Frank A., xxx-xx-xxxx
Classen, Anthony C., xxx-xx-xxxx
Clatanoff, Carla J., xxx-xx-xxxx
Claypool, Barbara A., xxx-xx-xxxx
Cleckner, William J., xxx-xx-xxxx
Clements, Frank B. Jr., xxx-xx-xxxx
Clifford, Thomas E., xxx-xx-xxxx
Clifton, Larry J., xxx-xx-xxxx
Clinton, Charles V., xxx-xx-xxxx
Clinton, Robert C., xxx-xx-xxxx
Cobb, Raymond K., xxx-xx-xxxx
Cobb, Sandra W., xxx-xx-xxxx
Cobble, Mary C., xxx-xx-...
Coffee, David E., xxx-xx-xxxx
Coffin, Michael L., xxx-xx-xxxx
Cohill, William D., xxx-xx-xxxx
Cole, Eugene O., xxx-xx-xxxx
Cole, Kenneth G., xxx-xx-xxxx

Cole, Kenneth N., xxx-xx-xxxx
Coleman, Jeffrey M., xxx-xx-xxxx
Collins, Corilla D., xxx-xx-xxxx
Collins, Joe R., III, xxx-xx-xxxx
Collins, Lonnie J., xxx-xx-xxxx
Collins, Sharon E., xxx-xx-xxxx
Colon, Francisco D., xxx-xx-xxxx
Comstock, Margaret L., xxx-xx-xxxx
Conley, Charles M., xxx-xx-xxxx
Conlon, Brian D., xxx-xx-xxxx
Conlon, James H., xxx-xx-xxxx
Connett, Dianne D., xxx-xx-xxxx
Connor, Lee K., xxx-xx-xxxx
Conroy, Martin G., xxx-xx-xxxx
Conway, Christine M., xxx-xx-xxxx
Conway, Peter F., xxx-xx-xxxx
Conwell, Earl F., xxx-xx-xxxx
Coogle, Kenneth L., Jr., xxx-xx-xxxx
Cook, Charles M., xxx-xx-xxxx
Cook, David E., xxx-xx-xxxx
Cook, Thomas L., xxx-xx-xxxx
Cook, William T., xxx-xx-xxxx
Cooper, David F., xxx-xx-xxxx
Cooper, Jonathan M., xxx-xx-xxxx
Copeland, Roy S., xxx-xx-xxxx
Corcoran, Matthew W., xxx-xx-xxxx
Cordner, Tim G., xxx-xx-xxxx
Correnti, John P., xxx-xx-xxxx
Costin, Robert K., xxx-xx-xxxx
Cote, Ronald R., xxx-xx-xxxx
Cotter, Timothy J., xxx-xx-xxxx
Cotton, Bruce N., xxx-xx-xxxx
Coubrough, Stephen J., xxx-xx-xxxx
Cox, Ernest A., Jr., xxx-xx-xxxx
Cox, Robert M., xxx-xx-xxxx
Cox, Tony G., xxx-xx-xxxx
Cox, William H., xxx-xx-xxxx
Cozine, Frank K., xxx-xx-xxxx
Craig, Hugh B., IV., xxx-xx-xxxx
Crane, Mark T., xxx-xx-xxxx
Crawford, David J., xxx-xx-xxxx
Crawford, David J., xxx-xx-xxxx
Crawford, Ronald J., xxx-xx-xxxx
Crawford, William K., xxx-xx-xxxx
Creel, Patricia A., xxx-xx-xxxx
Cromer, Robert B., xxx-xx-xxxx
Cross, Kevin H., xxx-xx-xxxx
Crowder, Tony D., xxx-xx-xxxx
Crowley, Eileen E., xxx-xx-xxxx
Crowley, Mary E., xxx-xx-xxxx
Crumpton, Kenneth S., xxx-xx-xxxx
Culver, Robert L., xxx-xx-xxxx
Culverhouse, Gary J., xxx-xx-xxxx
Cunningham, Kevin P., xxx-xx-xxxx
Curtis, Gerald xxx-xx-xxxx
Curtis, John R., xxx-xx-xxxx
Curtis, John W., xxx-xx-xxxx
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Small, Lane A., xxx-xx-xxxx
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Smith, Wilburn W. L., xxx-xx-xxxx
Smoot, Marvin T., Jr., xxx-xx-xxxx
Snead, Terrance G., xxx-xx-xxxx
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Solonch, Helmut M., xxx-xx-xxxx
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Soprano, Anthony M., xxx-xx-xxxx
Sorge, John G., xxx-xx-xxxx
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Sparkman, Annabel S., xxx-xx-xxxx
Spear, Jon L., xxx-xx-xxxx
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Spray, Jerry R., xxx-xx-xxxx
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Street, Danny R., xxx-xx-xxxx
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Stumbo, Paul B., xxx-xx-xxxx
Sturk, Bruce R., xxx-xx-xxxx
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Sulsberger, David L., xxx-xx-xxxx
Summerer, Larry W., xxx-xx-xxxx
Sumner, Donald L., xxx-xx-xxxx
Sumner, Stephen W., xxx-xx-xxxx
Sumrall, Lucia M., xxx-xx-xxxx
Susskind, Christine, xxx-xx-xxxx
Sutcliffelenart, Katherine, xxx-xx-xxxx
Swallow, Edward M., xxx-xx-xxxx
Swanson, Scott L., xxx-xx-xxxx
Sweeney, Elizabeth F., xxx-xx-xxxx
Swenson, Eric J., xxx-xx-xxxx
Swilling, Glenn A., xxx-xx-xxxx
Swingle, Betty A., xxx-xx-xxxx
Swink, Marvin N., xxx-xx-xxxx
Swinney, Virginia A., xxx-xx-xxxx
Swords, Barbara E., xxx-xx-xxxx
Swords, Frank M., xxx-xx-xxxx
Sykes, Randall L., xxx-xx-xxxx
Takayesu, Rebecca M., xxx-xx-xxxx
Takemoto, Naomi A., xxx-xx-xxxx
Tandy, Sarah R., xxx-xx-xxxx
Tarbet, Lee O., xxx-xx-xxxx
Tarnauskas, Donald S., xxx-xx-xxxx
Tart, Katherine L., xxx-xx-xxxx
Tarvin, Taylor M., xxx-xx-xxxx
Taub, Marc D., xxx-xx-xxxx
Taylor, Darrell A., xxx-xx-xxxx
Taylor, David L., xxx-xx-xxxx
Taylor, David R., xxx-xx-xxxx
Taylor, Gregory T., xxx-xx-xxxx
Taylor, Jack E., xxx-xx-xxxx
Taylor, Norman E., xxx-xx-xxxx
Taylor, Oliva xxx-xx-...
Taylor, Pamela M., xxx-xx-...
Taylor, Terry N., xxx-xx-xxxx
Terrell, David L., xxx-xx-xxxx
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Terry, David A., xxx-xx-xxxx
Theodore, Jason N., xxx-xx-xxxx
Theodosakis, Judy, xxx-xx-xxxx
Thiele, Patrick W., xxx-xx-xxxx
Thoelke, Julie K., xxx-xx-xxxx
Thom, Bryon E., xxx-xx-xxxx
Thomas, Everett H., xxx-xx-xxxx
Thomas, Gary L., xxx-xx-xxxx
Thomas, Jack W., xxx-xx-xxxx
Thomas, Paul C., xxx-xx-xxxx
Thompson, Carol A., xxx-xx-xxxx
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Thomsen, Kurt E., xxx-xx-xxxx
Thomson, Robert W., xxx-xx-xxxx
Thornberry, Roseann D., xxx-xx-xxxx
Thrasher, Vikki A., xxx-xx-xxxx
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Tillotson, Bradley T., xxx-xx-xxxx
Tinsley, Annie S., xxx-xx-xxxx
Titus, Jonathan K., xxx-xx-xxxx
Toder, Michael A., xxx-xx-xxxx
Tomasik, Mark S., xxx-xx-xxxx
Tomasini, Roberta M., xxx-xx-xxxx
Tomson, William L., xxx-xx-xxxx
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Tow, Sheila A., xxx-xx-xxxx
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Tuck, Beverly B., xxx-xx-xxxx
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Tye, David M., xxx-xx-xxxx
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Vangilder, Patricia A., xxx-xx-xxxx
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Vanwagoner, David W., xxx-xx-xxxx
Varacchi, Henry L., xxx-xx-xxxx
Varney, Bardley K., xxx-xx-xxxx
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Vaughan, Timothy G., xxx-xx-xxxx
Vaughn, Michael G., xxx-xx-xxxx
Vela, Julio A., xxx-xx-xxxx
Velasquez, Rick, xxx-xx-xxxx
Venable, William M., xxx-xx-xxxx
Vermillion, Thomas R., xxx-xx-xxxx
Verrechio, Peter J., xxx-xx-xxxx
Venzant, Jody A., xxx-xx-xxxx
Vis, Dale L., xxx-xx-xxxx
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Vivori, Joseph H., xxx-xx-xxxx
Vonkaenel, Karl M., xxx-xx-xxxx
Vonschweinitz, Bettina, xxx-xx-xxxx
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Wagner, Scott L., xxx-xx-xxxx
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Waite, Larry J., xxx-xx-xxxx
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Walker, Bruce A., xxx-xx-xxxx
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Wallace, Joseph R., xxx-xx-xxxx
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Wandishin, David M., xxx-xx-xxxx
Ward, Carl D., xxx-xx-xxxx
Wardley, Sylvia C., xxx-xx-xxxx
Warenda, Mark L., xxx-xx-xxxx
Warren, Terry E., xxx-xx-xxxx
Washington, Larry S., xxx-xx-xxxx
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Watson, Donald R., xxx-xx-xxxx
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White, Carl J., xxx-xx-xxxx
White, Charles C., xxx-xx-xxxx
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Williams, Sherman R., xxx-xx-xxxx
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Williams, Teresa E., xxx-xx-xxxx
Willis, Dana N., xxx-xx-xxxx
Wilson, Charles M., xxx-xx-xxxx
Wilson, Kevin J., xxx-xx-xxxx
Wilson, Randy Eugene, xxx-xx-xxxx
Wilson, Sandra F., xxx-xx-xxxx
Wilson Woodrow J., xxx-xx-xxxx
Wimmler, Robbin A., xxx-xx-xxxx
Winfield, Mark A., xxx-xx-xxxx
Wintersoneal, Kathleen M., xxx-xx-xxxx
Wise, Steven N., xxx-xx-xxxx
Withers, Jo A., xxx-xx-xxxx
Withers, Michael C., xxx-xx-xxxx
Wizimirski, Ronald, xxx-xx-xxxx
Wojahn, John K., xxx-xx-xxxx
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Wolborsky, Stephen L., xxx-xx-xxxx
Wolf, Franklin R., xxx-xx-xxxx
Woltz, Michael P., xxx-xx-xxxx
Womack, Rene L., xxx-xx-xxxx
Wood, Ronald B., xxx-xx-xxxx
Woodward, Daniel P., xxx-xx-xxxx
Worley, Ronald A., xxx-xx-xxxx
Wright, Bryan R., xxx-xx-xxxx
Wright, Harry C., xxx-xx-xxxx
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Wright, Michael D., xxx-xx-xxxx
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Wunz, Donald R., Jr., xxx-xx-xxxx
Wyche, John H., xxx-xx-xxxx
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Yamauchi, Brent T., xxx-xx-xxxx
Yankovich, David L., xxx-xx-xxxx
Yarosh, Sandra, xxx-xx-xxxx
Yazejian, George M., Jr., xxx-xx-xxxx
Yeager, Richard S., xxx-xx-xxxx
Yearick, Douglas Fred, xxx-xx-xxxx
Yost, David M., xxx-xx-xxxx
Youker, David E., xxx-xx-xxxx
Young, Raymond H., xxx-xx-xxxx
Young, Sammy J., xxx-xx-xxxx
Young, Susan J., xxx-xx-xxxx
Young, Thomas S., xxx-xx-xxxx
Yow, David E., xxx-xx-xxxx
Yuoconis, Penny A., xxx-xx-xxxx
Zabik, Lawrence G., xxx-xx-xxxx
Zachman, Janice M., xxx-xx-xxxx
Zajac, Thomas E., xxx-xx-xxxx
Zaldivar, Arturo G., xxx-xx-xxxx
Zappone, Lawrence J., xxx-xx-xxxx
Zatler, Phillip E., xxx-xx-xxxx
Zeigler, Robert H., xxx-xx-xxxx
Zelenski, Warren E., xxx-xx-xxxx
Zenk, Mary F., xxx-xx-xxxx
Zerbato, Donna M., xxx-xx-xxxx
Zeytoonian, Bruce, xxx-xx-xxxx
Ziehmn, Stephen B., xxx-xx-xxxx
Zimmering, Michael H., xxx-xx-xxxx
Zimmerman, Dale L., xxx-xx-xxxx
Zimmerman, Gregory L., xxx-xx-xxxx
Zsigray, Terry L., xxx-xx-xxxx
Zucker, Herbert R., xxx-xx-xxxx
Zurawka, Garry P., xxx-xx-xxxx

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States, in their active duty grades, under the provisions of title 10, United States Code, sections 531, 532, 533:

MEDICAL CORPS

To be colonels

Jade, Klaus B., xxx-xx-xxxx
Marcure, Richard W., xxx-xx-xxxx
Tiwary, Chandra M., xxx-xx-xxxx

To be lieutenant colonels

Antonelli, Mary A., xxx-xx-xxxx
Berman, Jonathan D., xxx-xx-xxxx
Miller, Lawrence W., xxx-xx-xxxx
Tellis, Claude J., xxx-xx-xxxx

To be majors

Cohen, David J., xxx-xx-xxxx
Holland, John C., xxx-xx-xxxx
Ibrahim, Nadia M., xxx-xx-xxxx
Martinez-de la Cruz, Francisco J., xxx-x...

To be captains

Amoroso, Anne M., xxx-xx-xxxx
Anderson, Lawrence L., xxx-xx-xxxx
Armstrong, Michael A., xxx-xx-xxxx
Avery, Carolyn L., xxx-xx-xxxx
Born, Stephen C., xxx-xx-xxxx
Burch, Henry B., xxx-xx-xxxx
Cardinal, Peter A., xxx-xx-xxxx
Caudle, Lester C., III, xxx-xx-xxxx
Christenson, Joseph L., xxx-xx-xxxx
Cordts, Paul R., xxx-xx-xxxx
Cotter, Dermot M., xxx-xx-xxxx
Davidson, Marta S. Q., xxx-xx-xxxx
Debo, Richard F., xxx-xx-xxxx
Dirks, Monte S., xxx-xx-xxxx
Eaves, Charles C., Jr., xxx-xx-xxxx
Farrington, Charles A., xxx-xx-xxxx
Farris, Stuart R., xxx-xx-xxxx
Faucette, Kelly J., xxx-xx-xxxx
Foley, John P., xxx-xx-xxxx
Fujiyoshi, Carol A., xxx-xx-xxxx
Ginther, Jeffrey R., xxx-xx-xxxx
Gormley, Thomas S., xxx-xx-xxxx
Helander, Eric R., xxx-xx-xxxx
Hotard, Michael C., xxx-xx-xxxx
Howard, Thomas M., xxx-xx-xxxx
Hrutkay, Jeffrey M., xxx-xx-xxxx
Hughes, William A., xxx-xx-xxxx
Kavolius, Jeffrey P., xxx-xx-xxxx
Knuth, Thomas E., xxx-xx-xxxx
Malcolm, James R., xxx-xx-xxxx
Morgan, Ann M., xxx-xx-xxxx
Mullin, James C., xxx-xx-xxxx
Nace, Mary C., xxx-xx-xxxx
Norbury, James W. Jr., xxx-xx-xxxx
Northcross, Gale S., xxx-xx-xxxx
Pearson, Alan D., xxx-xx-xxxx
Phillips, Kenneth G., xxx-xx-xxxx
Rovira, Miguel J., xxx-xx-xxxx
Schaub, Michael R., xxx-xx-xxxx
Schlatter, Margaret A., xxx-xx-xxxx
Sedlak, Richard G., xxx-xx-xxxx
Smith, George R., xxx-xx-xxxx
Stoldt, Curtis D., xxx-xx-xxxx
Thach, Allen B., xxx-xx-xxxx
Tsufis, Marc P., xxx-xx-xxxx
Walters, Terry J., xxx-xx-xxxx
Waterhouse, William J., xxx-xx-xxxx
Zeff, Karl N., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be majors

Neville, Robert E., xxx-xx-xxxx

To be captains

Danley, David L., xxx-xx-xxxx
Davis, Charles H., xxx-xx-xxxx
Perez, Reynaldo M., xxx-xx-xxxx
Postma, Amy M., xxx-xx-xxxx
Serio, Charles S., xxx-xx-xxxx

To be first lieutenants

Stuart, John A., xxx-xx-xxxx

ARMY NURSE CORPS

To be captains

Alderson, Susan C., xxx-xx-xxxx

To be first lieutenants

Parsons, Teresa A., xxx-x...

DENTAL CORPS

To be majors

Grover, Pushpinder S., xxx-xx-xxxx
Lambert, Ronald J., xxx-xx-xxxx

To be captains

Catterlin, Russel K., xxx-xx-xxxx
Chubb, Thomas K., xxx-xx-xxxx
Dootson, Jeffery, xxx-xx-xxxx
Green, Lawrence K., xxx-xx-xxxx
Hagner, Richard J., xxx-xx-xxxx
Hale, Timothy M., xxx-xx-xxxx
Owen, Robert G., xxx-xx-xxxx
Poland, Marvin E., xxx-xx-xxxx
Ragno, James R., Jr., xxx-xx-xxxx
Smith, Glen A., xxx-xx-xxxx

VETERINARY CORPS

To be captains

Blagg, James A., xxx-xx-xxxx
Courtney, Michael G., xxx-xx-xxxx
Record, Jeffrey W., xxx-xx-xxxx

IN THE ARMY

The following-named Reserve Officers' Training Corps cadets for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of sections 531, 532, 533, 2106, and 2107, Title 10, United States Code:

Abbott, Joseph T., xxx-xx-xxxx
Abe, John Y., xxx-xx-xxxx
Abercrombie, Martin J., xxx-xx-xxxx
Abinader, Carlos A., IV, xxx-xx-xxxx
Aceto, Jeffrey T., xxx-xx-xxxx
Acevedo, Eulogio, xxx-xx-xxxx
Acevedo, Francisco, xxx-xx-xxxx
Adams, Audrey A., xxx-xx-xxxx
Adams, James W., xxx-xx-xxxx
Adams, Lyle N., xxx-xx-xxxx
Adams, Phillip G., xxx-xx-xxxx
Adams, Sulinda D., xxx-xx-xxxx
Addison, Victor T., xxx-xx-xxxx
Ake, Robert Q., xxx-xx-xxxx
Alavarado, Gladys, xxx-xx-xxxx
Albanese, Robert, xxx-xx-xxxx
Albano, Edward, Jr., xxx-xx-xxxx
Albertson, Michael N., xxx-xx-xxxx
Alexander, John S., Jr., xxx-xx-xxxx
Alford, Roger D., xxx-xx-xxxx
Allegood, France B., Jr., xxx-xx-xxxx
Allen, David W., xxx-xx-xxxx
Allen, Joseph T., xxx-xx-xxxx
Alsheimer, Keith A., xxx-xx-xxxx
Altschuld, Matthew W., xxx-xx-xxxx
Alvin, Brian E., xxx-xx-xxxx
Ammons, John J., xxx-xx-xxxx
Anasovitch, Walter L., xxx-xx-xxxx
Anderle, Gregg E., xxx-xx-xxxx
Andersen, Russell J., xxx-xx-xxxx
Andersen, Thomas R., xxx-xx-xxxx
Anderson, Amanda L., xxx-xx-xxxx
Anderson, Brian T., xxx-xx-xxxx
Anderson, Charles R., Jr., xxx-xx-xxxx
Anderson, Eric P., xxx-xx-xxxx
Anderson, John P., xxx-xx-xxxx
Anderson, Kenneth W., xxx-xx-xxxx
Anderson, Lisa L., xxx-xx-xxxx
Anderson, Richie L., xxx-xx-xxxx
Anderson, Vernita M., xxx-xx-xxxx
Andrews, Wayne M., xxx-xx-xxxx
Andrews, Yolanda L., xxx-xx-xxxx
Andujar, Roberto C., xxx-xx-xxxx
Angle, Robert A., xxx-xx-xxxx
Anhut, Thomas J., xxx-xx-xxxx
Appleby, Thomas J., xxx-xx-xxxx
Appleton, Robert A., xxx-xx-xxxx
Aragon, Arthur, J., Jr., xxx-xx-xxxx
Arce, Nestor A., xxx-xx-xxxx
Archibald, Anthony P., xxx-xx-xxxx
Archibald, Janet M., xxx-xx-xxxx
Arcuri, Anthony P., xxx-xx-xxxx
Armitstead, Alan J., xxx-xx-...
Arnold, Robert J., xxx-xx-xxxx
Arp, Charles H., Jr., xxx-xx-xxxx
Arrington, Steffon K., xxx-xx-xxxx
Artman, Spencer Q., xxx-xx-xxxx
Ashcraft, Daniel L., xxx-xx-xxxx
Ashe, James A., xxx-...
Ashe, Jeffrey W., xxx-xx-...
Ashley, Robert P., Jr., xxx-xx-...
Ashworth, James S., xxx-...
Atkinson, David B., xxx-xx-...
Atkinson, Deborah L., xxx-...
Atkinson, Richard F., xxx-xx-xxxx
Atkinson, Ronald M., xxx-xx-xxxx
Austin, Robert, III, xxx-xx-xxxx
Austin, Stewart B., xxx-xx-xxxx
Auvenshine, Stephen, xxx-xx-xxxx
Avants, Keith A., xxx-xx-xxxx
Bailey, Christopher A., xxx-xx-xxxx
Bailey, Lisa D., xxx-xx-xxxx
Bailey, Samuel B., xxx-xx-xxxx
Bailly, Cheryl M., xxx-xx-xxxx
Bair, Jonathan D., xxx-xx-xxxx
Baka, Michael A., xxx-xx-xxxx
Baker, Ellen D., xxx-xx-xxxx
Baker, James W., xxx-xx-xxxx
Baker, Steven B., xxx-xx-xxxx
Bakis, Kelly J., xxx-xx-xxxx
Balda, David M., xxx-xx-xxxx
Baldwin, Dwayne E., xxx-xx-xxxx
Banks, George A., xxx-xx-xxxx
Banks, Jeffrey A., xxx-xx-xxxx
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Stokes, John P., IV, xxx-xx-xxxx
Stolz, Scott S., xxx-xx-xxxx
Stone, Margaret M., xxx-xx-xxxx
Storey, Eric G., xxx-xx-xxxx
Stovall, Bryan L., xxx-xx-xxxx
Stowell, John S., xxx-xx-xxxx
Stramara, Frank S., xxx-xx-xxxx
Streater, Penelope L., xxx-xx-xxxx
Stroup, Adam N., xxx-xx-xxxx
Stull, Alan M., xxx-xx-xxxx
Sturdivant, James R., xxx-xx-xxxx
Sturgeon, Susan E., xxx-xx-xxxx
Sturm, Mary L., xxx-xx-xxxx
Stuver, Ronald E., xxx-xx-xxxx
Suddoth, Susan A., xxx-xx-xxxx
Sundstrom, Christopher R., xxx-xx-xxxx
Sutliff, Timothy J., xxx-xx-xxxx
Suttle, John E., xxx-xx-xxxx
Sutton, James G., xxx-xx-xxxx
Svebel, Paul H., IV, xxx-xx-xxxx
Swanson, Kristen L., xxx-xx-xxxx
Swanson, Michael J., xxx-xx-xxxx
Swift, David E., xxx-xx-xxxx
Swift, Diane M., xxx-xx-xxxx
Swinford, Philip L., xxx-xx-xxxx
Switzer, Beth A., xxx-xx-xxxx
Swope, William D., xxx-xx-xxxx
Swords, James, xxx-xx-...
Sylvester, Marcus A., xxx-xx-xxxx
Symons, Rodney W., II, xxx-xx-xxxx
Szabo, Ernest A., xxx-xx-xxxx
Szeman, Edward M., xxx-xx-xxxx
Szempruch, John G., IV, xxx-xx-xxxx
Talmanao, Barbara T., xxx-xx-xxxx
Tait, Iver S., xxx-xx-xxxx
Tallman, Beth D., xxx-xx-xxxx
Tamashiro, Keith Y., xxx-xx-xxxx
Tamke, Eric K., xxx-xx-xxxx
Tanimoto, Walter T., xxx-xx-xxxx
Tank, Matthew R., xxx-xx-xxxx
Tapp, Michael P., xxx-xx-xxxx
Tatum, Thomas H., Jr., xxx-xx-xxxx
Taylor, John H., xxx-xx-xxxx
Taylor, Michael A., xxx-xx-xxxx
Taylor Robert J., Jr., xxx-xx-xxxx
Tedtman, Thomas W., xxx-xx-xxxx
Teklinski, Andrew H., xxx-xx-xxxx
Telfer, Mark A., xxx-xx-xxxx
Tempesta, Anthony R., xxx-xx-xxxx
Tennant, Brian D., xxx-xx-xxxx
Terrell, Billy H., Jr., xxx-xx-xxxx
Terry, Craig E., xxx-xx-xxxx
Teune, Jeffrey G., xxx-xx-xxxx
Thatcher, Stuart C., xxx-xx-xxxx
Therianos, Mark A., xxx-xx-xxxx
Theriault, Jacqueline T., xxx-xx-xxxx
Thomas, Blair M., xxx-xx-xx...
Thomas, Daniel L., xxx-xx-xxxx
Thomas, Don E., xxx-xx-xxxx
Thomas, Glenn C., xxx-xx-xxxx
Thomas, Keven H., xxx-xx-xxxx
Thomas, Marcel T., xxx-xx-xxxx
Thomas, Merry M., xxx-xx-xxxx

Thomasson, Bryan K., xxx-xx-xxxx
Thompkins, Lamar, xxx-...
Thompson, Ardine M., xxx-...
Thompson, George S., Jr., xxx-...
Thompson, Susan M., xxx-...
Thompson, Thomas A., xxx-...
Thorne, Timothy D., xxx-xx-...
Thornton, Dennis, xxx-xx-xxxx
Thornton, Henry A., xxx-xx-xxxx
Thornton, Sybil D., xxx-xx-...
Thurlow, Henry A., xxx-xx-xxxx
Timpany, Robert G., xxx-xx-xxxx
Tiner, Albert F., xxx-xx-xxxx
Tirone, Joseph A., xxx-xx-...
Tkacs, Dane S., xxx-xx-xxxx
Tollison, Billy G., xxx-xx-xxxx
Tomsyk, Patricia R., xxx-xx-xxxx
Tone, Christopher J., xxx-xx-xxxx
Tooles, James E., Jr., xxx-xx-xxxx
Topalian, Michael Z., xxx-xx-xxxx
Torres, Christopher, xxx-xx-xxxx
Torres, Luis N., xxx-xx-xxxx
Totten, Edward M., xxx-xx-xxxx
Toupin, Robert E., xxx-xx-xxxx
Toves, Jeffery T., xxx-xx-xxxx
Tovsen, James A., xxx-xx-xxxx
Trager, Kimberly L., xxx-xx-xxxx
Trail, Mark L., xxx-xx-xxxx
Traynor, Scott G., xxx-xx-xxxx
Trefry, Paul A., xxx-xx-xxxx
Tremper, Stephen A., xxx-xx-xxxx
Trentalange, Michael J., xxx-xx-xxxx
Trettin, Jeffrey L., xxx-xx-xxxx
Trierweiler, Walter L., xxx-xx-xxxx
Trouve, Thomas F., xxx-xx-xxxx
Trowbridge, Jack K., xxx-xx-xxxx
Trustey, Joseph F., xxx-xx-xxxx
Turek, James J., xxx-...
Turner, Dennis L., xxx-xx-xxxx
Turner, Garrett M., xxx-...
Turney, Paul H., xxx-...
Tuszynski, Linda C., xxx-...
Tychonski, Brian S., xxx-xx-xxxx
Tyra, Thomas E., xxx-xx-xxxx
Udovich, Stephen T., xxx-xx-xxxx
Uhrbrock, David H., xxx-xx-xxxx
Umstead, Dwight L., xxx-xx-xxxx
Underhill, Jeffery L., xxx-xx-xxxx
Underwood, Stewart A., xxx-xx-xxxx
Upham, Kevin W., xxx-xx-xxxx
Uren, Kevin S., xxx-xx-xxxx
Vaglia, James A., xxx-xx-xxxx
Vail, Nancy C., xxx-xx-xxxx
Valentine, Gregory L., xxx-xx-xxxx
Valentini, David A., xxx-xx-xxxx
Vanarnam, Richard J., Jr., xxx-...
Vancleve, Pamela J., xxx-xx-xxxx
Vanderhill, Jon C., xxx-xx-xxxx
Vanderlinden, Richard S., xxx-xx-...
Vandyke, Thomas P., xxx-xx-xxxx
Vannorstrand, Kevin R., xxx-xx-xxxx
Vanwert, Karee L., xxx-xx-xxxx
Vanwinkle, Leslie D., xxx-xx-xxxx
Vanzandt, Troy D., xxx-xx-xxxx
Varrecchione, Anthony F., xxx-xx-xxxx
Veihl, Julie A., xxx-xx-xxxx
Velazquez, David, xxx-xx-xxxx
Venekamp, Clint A., xxx-xx-xxxx
Venezia, David M., xxx-xx-xxxx
Verpoorten, Dennis M., xxx-xx-xxxx
Vetterling, Paul E., xxx-xx-xxxx
Villa, James D., xxx-xx-xxxx
Villacres, Edward J., xxx-xx-xxxx
Vilarreal, Rodolfo, Jr., xxx-xx-xxxx
Vines, Brian R., xxx-xx-...
Visser, Vance P., xxx-xx-xxxx
Vlahos, Kristin B., xxx-xx-xxxx
Vlieg, Ronaldo A., xxx-xx-xxxx
Vockery, William N., xxx-xx-xxxx
Vogelgedang, Adele L., xxx-xx-xxxx
Vogelsang, Robert L., xxx-xx-xxxx
Vogt, Nancy L., xxx-xx-xxxx
Volesky, Leann D., xxx-xx-xxxx
Vollmecke, Kirk F., xxx-xx-xxxx
Vtipil, Donald P., Jr., xxx-xx-xxxx
Wade, Brian D., xxx-...
Wade, Elizabeth A., xxx-...
Wade, Seven L., xxx-...
Wagner, Gregory S., xxx-...
Wagner, Gregory W., xxx-xx-xxxx
Wagner, Joel B., xxx-...
Waidelich, Walter C., Jr., xxx-...
Waite, Gregory L., xxx-...
Waldroup, James M., xxx-...
Walker, Donald S., xxx-...
Walker, Douglas E., xxx-...
Walker, Jeffrey T., xxx-...
Wall, Tracey T., xxx-...
Wallitsch, Jeffrey L., xxx-xx-...
Walsh, David D., xxx-...
Walsh, Kevin M., xxx-...
Walsh, Lawrence L., xxx-xx-...
Walsh, Patrick J., xxx-xx-xxxx
Walsh, Paul H., III, xxx-xx-...
Walsh, Shawn P., xxx-xx-...
Walter, Brian E., xxx-...
Walters, Craig S., xxx-...
Ward, Joseph A., xxx-...
Warden, Paul J., xxx-...
Ware, Steven A., xxx-xx-xxxx
Ware, William C., xxx-xx-xxxx
Warner, Michael C., xxx-xx-xxxx
Warren, Laurie S., xxx-xx-...
Warren, Matthew, xxx-xx-xxxx
Warrington, Steven W., xxx-xx-...
Washington, Gloria D., xxx-xx-xxxx
Washington, Hodges L., xxx-xx-xxxx
Washington, Paul C., xxx-xx-xxxx
Watson, Anthony L., xxx-xx-xxxx
Watson, Douglas A., xxx-xx-xxxx
Watson, Justin G., xxx-...
Weatherlow, Brian K., xxx-...
Weaver, Paul A., xxx-...
Weddington, Imelda J., xxx-...
Weeks, Stephen L., xxx-...
Weeks, William P., xxx-...
Weigeshoff, William R., xxx-...
Weinstein, Halee F., xxx-...
Weintraub, Tracy L., xxx-...
Weiss, Joseph, Jr., xxx-xx-...
Welch, Jim D., xxx-xx-xxxx
Weller, Rochelle A., xxx-xx-xxxx
Wells, James B., xxx-xx-xxxx
Wells, James L., xxx-xx-xxxx
Wells, Lydia A., xxx-xx-xxxx
Wendling, Russell S., xxx-xx-xxxx
West, Cynthia F., xxx-...
West, Samuel P., xxx-...
Westley, Scott A., xxx-...
Weston, Kimberley F., xxx-...
Whitaker, Stephen H., xxx-...
White, Daniel J., xxx-...
White, Daniel L., xxx-...
White, Deborah D., xxx-...
White, Dennis E., xxx-xx-...
White, Frederick R., Jr., xxx-...
White, Montie E., xxx-...
White, Otis N., Jr., xxx-...
White, Perry, xxx-xx-xxxx
White, Stanley S., xxx-xx-xxxx
Whiteford, Joseph J., xxx-...
Whitley, Ricky D., xxx-...
Whittington, Richard W., xxx-...
Wiblemo, Cathleen C., xxx-...
Wickenheiser, Steven M., xxx-...
Wickware, Samuel T., xxx-...
Wiese, Timothy J., xxx-...
Wiggins, Mark H., xxx-...
Wiggins, Stewart M., xxx-...
Wiker, Michael E., xxx-...
Wild, Douglas A., xxx-...
Wiley, Joseph L., Jr., xxx-xx-x...
Wilfong, Terry L., xxx-...
Wilholt, Scott L., xxx-xx-xxxx
Wilkins, Melvin L., xxx-xx-...
Wilkinson, Beth A., xxx-xx-xxxx
Wilkinson, Philip R., xxx-xx-xxxx
Williams, Ann C., xxx-xx-x...
Williams, Catherine F., xxx-...
Williams, Dwayne T., xxx-xx-xxxx
Williams, Emmett D., xxx-xx-...
Williams, Gregory B., xxx-xx-xxxx
Williams, James D., xxx-xx-xxxx
Williams, Jessie M., xxx-xx-xxxx
Williams, Joel S., xxx-xx-xxxx
Williams, John C., xxx-xx-...
Williams, Julie L., xxx-...
Williams, Michael C., xxx-xx-xxxx
Williams, Patrick C., xxx-...
Williams, Robert F., xxx-xx-x...
Williams, Sally A., xxx-...
Williams, Willie J., xxx-...
Williamson, Kathleen H., xxx-...
Williford, William S., III, xxx-...
Wills, Michael D., xxx-...
Wilson, Durwood B., xxx-...
Wilson, Lee M., xxx-...
Wilson, Neil F., xxx-...
Wilzbach, Kevin R., xxx-xx-...
Winger, Lisa M., xxx-xx-...
Winkler, Werner H., xxx-xx-...
Winne, Christopher L., xxx-xx-xxxx
Winter, Karen L., xxx-xx-xxxx
Wise, George R., xxx-xx-xxxx
Wiseman, William T., xxx-xx-xxxx
Wisotzkey, Elizabeth, xxx-xx-xxxx
Witt, Jeffrey S., xxx-xx-xxxx
Witterholt, Melinda L., xxx-xx-xxxx
Witzgall, Michael E., xxx-...
Wojtkowski, Julie M., xxx-x...
Wolenski, Jeanne, xxx-...
Wolf, Dirk M., xxx-...
Wolff, Allen R., xxx-...
Wood, Anthony A., xxx-...
Wood, David R., xxx-...
Wood, Stephen N., xxx-...
Wood, William E., xxx-...
Woods, Alan W., xxx-xx-xxxx
Woods, Douglas D., xxx-xx-xxxx
Woods, Timothy C., xxx-xx-...
Woodworth, Reed S., xxx-xx-...
Wright, Christopher D., xxx-xx-xxxx
Wright, Phyllis A., xxx-xx-xx...
Yackley, Stephen G., xxx-xx-xxxx
Yanai, Paul S., xxx-xx-xxxx
Yess, Gary E., xxx-...
Yon, Diolinda, xxx-...
Young, Jeffrey K., xxx-...
Young, Joseph B., Jr., xxx-xx-xxxx
Young, Mowry W., II, xxx-...
Young, Richard J., xxx-...
Ysewyn, Linda, xxx-xx-...
Zaharis, William J., xxx-xx-...
Zazzara, Michael S., xxx-...
Zefo, James M., xxx-...
Zeier, Timothy A., xxx-...
Zembrzuski, Michael A., xxx-...

IN THE NAVY

I nominate the following named officer for promotion to the grade indicated under the provisions of article II, section 2, clause 2 of the Constitution of the United States of America:

To be commander

Lt. Commander Robert L. Gibson, xxx-x... xx..., U.S. Navy.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 30, 1984:

DEPARTMENT OF LABOR

Francis X. Lilly, of Maryland, to be Solicitor for the Department of Labor.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Elliot Ross Buckley, of Virginia, to be a member of the Occupational Safety and

Health Review Commission for the term expiring April 27, 1989.

MARINE MAMMAL COMMISSION

William Evans, of California, to be a member of the Marine Mammal Commission for the term expiring May 13, 1985.

FEDERAL COMMUNICATIONS COMMISSION

Dennis R. Patrick, of the District of Columbia, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1978.

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for promotion to commodore:

Capt. Howard B. Thorsen.

Capt. Alan D. Breed.

Capt. John W. Kime.

Rear Adm. Paul A. Yost, U.S. Coast Guard, to be commander, U.S. Coast Guard Atlantic area with the grade of vice admiral while so serving.

Rear Adm. John D. Costello, U.S. Coast Guard, to be commander, U.S. Coast Guard Pacific area with the grade of vice admiral while so serving.

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral:

William P. Kozlovsky Robert S. Lucas
Richard P. Cueroni Kenneth G. Wiman

DEPARTMENT OF STATE

Richard Fairbanks, of the District of Columbia, to be Ambassador at Large.

David Charles Miller, Jr., of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Zimbabwe.

ARMS CONTROL AND DISARMAMENT NEGOTIATIONS

Paul H. Nitze, of the District of Columbia, to be Special Representative for Arms Control and Disarmament Negotiations, and to have the rank of Ambassador while so serving.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Edward C. Prado, of Texas, to be U.S. district judge for the western district of Texas.

FOREIGN SERVICE

Foreign Service nominations beginning Donald D. Cohen, and ending John R. Thomson, which nominations were received by the Senate on February 16, 1984, and appeared in the CONGRESSIONAL RECORD of February 21, 1984.

HOUSE OF REPRESENTATIVES—*Friday, March 30, 1984*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, we give thanks for the life and service of Edwin Forsythe, whose death we mourn. We are conscious of his years of devotion to the people of his district and community and we laud him for his integrity and high principle. May the resolve and commitment that he demonstrated in this institution encourage others to be good stewards of the liberties that are our heritage. May Your blessing be with his family and those he loved, and may Your benediction be with us all our days. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 363

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Edwin B. Forsythe, late a Representative from the State of New Jersey.

Resolved, That a committee be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

PERMISSION FOR COMMITTEE ON SCIENCE AND TECHNOLOGY TO HAVE UNTIL 6 P.M., MONDAY, APRIL 2, 1984, TO FILE REPORT ON H.R. 5155

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent that the Committee on Science and Technology have until 6 p.m. on Monday, April 2, 1984, to file a late report on the bill (H.R. 5155) to establish a system to promote the use of land remote-sensing satellite data, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PRESIDENT SILENT ABOUT SPECIFIC PLANS TO RESTRUCTURE SOCIAL SECURITY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, in yesterday's New York Times President Reagan made it very clear that he intends to restructure social security benefits if he is reelected. However, once again, he refused to say what kind of changes he intends to make.

Mr. Speaker, the American people have a right to know what President Reagan intends to do about social security. They have a right to know what benefits he is planning to cut. They have a right to know if they can expect this President to protect the benefits they have earned or tear them away one by one.

When he was running for office in 1980, President Reagan told older Americans that he would not tamper with their hard-earned retirement benefits. In 1982, he proposed the most far-reaching changes in benefits in the history of the social security system.

Mr. Speaker, today I call upon the President to spell out the kinds of changes he is now planning for social security.

The fact is that this President has always wanted to get his hands on social security benefits, and yesterday he made it clear that is what he will do, if he is reelected.

OUTLINING THE TAX DEDUCTIONS OF A PRESIDENTIAL CANDIDATE

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, one thing the President is not going to do, concerning the gentlewoman's recent remarks before me, is to take the recommendations of the Governor of Colorado.

Mr. Speaker, the American people are going to remember the elections of 1980 and 1984 as the years the Republicans stole the Democratic slogan "Vote with your pocketbooks."

Do not believe me? Ask Walter Mondale.

It turns out that he took advantage of nearly every item passed in the Reagan tax reform legislation.

Vice President Mondale, whose income dropped from $444,734 in 1981 to a blue-collar $432,679, claimed over $60,000 in itemized deductions.

For example, Mondale deducted over $3,000 in mortgage and interest on his Washington home. He listed over $150,000 in business expenses, including $30,000 for his own consultants.

And the Mondale family put over $20,000 in an IRA and Keogh plan. Obviously he has noticed that the 13.5-percent Carter-Mondale inflation rate has been cut to under 4 percent. Either that, or he has become a supply-sider overnight.

Sure, Vice President Mondale has pledged to roll back the Reagan tax reforms and to shelve indexing. But unlike the middle-income Americans those tax breaks were designed to help, Walter Mondale can afford it.

THE PEOPLE'S AGENDA

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, all one has to do is go on Main Street America and ask the American people what kind of things they want to see this Congress doing, and it becomes apparent they want to see Congress enact a balanced budget amendment, they want to see the fiscal restraint of something along the lines of a line-item veto, and they want to see a school prayer amendment enacted by the Congress. They want some of these things done that daily affect their lives and affect the way this country is governed.

Yet day after day we find out that this House is unwilling to act upon those measures. For many, many consecutive days we have come to the House floor asking for those particular items to be brought out here, to be at least discussed, at least debated, at least voted upon. But, no, we have not gotten those.

So again today, Mr. Speaker, I would come to the floor asking that those items be brought to the floor for consideration. The minority leadership has approved this. We would need majority leadership approval. But I suspect majority leadership approval will not be forthcoming because it has become apparent in press reports and in speeches made on this floor that the majority leadership of this Con-

gress is totally unwilling to consider the American people's agenda. They are totally unwilling to bring a balanced budget amendment to this floor, they are totally unwilling to bring the school prayer amendment to this floor, and they are totally unwilling to bring the line-item veto to this floor.

Mr. Speaker, they are unwilling to have these things discussed and they are unwilling to have them debated because they are afraid the majority of them would have to vote against them, and if that majority votes against those items, it would lead to a majority vote against the Democratic party in November.

EL SALVADOR DESERVING OF MORE AID FROM THE UNITED STATES

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I have a direct and specific question to ask the Speaker of this House and the Members of the body. Do we want the Communist guerrillas in El Salvador to come into power?

If the answer to that question is yes, at least we know then where we stand. But if the answer to that question is no, then why in heaven's name would we hamstring the democratically elected Government of El Salvador from defending its people?

If anyone in this House wants the Communists, all 8,000 of them, to take over, just say so. But if we do not, let us start seeing some responsible leadership around here, and let us stop this election year demagoguery. Either we want democracy to survive in El Salvador or we do not.

El Salvadoran soldiers are dying because they do not have the helicopters to fly them to hospitals when they are wounded. As a former combat infantryman, I know how discouraging it can be to not be assured of prompt medical treatment or evacuation if need be. Some of the aid money requested for El Salvador will be used for just such purposes. But if there are those who do not want to give them the resources to protect their constitutionally elected government, then it seems to me these very same people want the government to fall.

I am really distressed, Mr. Speaker, to hear statements from both Houses of the Congress that we ought to hold off the votes and just keep delaying and delaying the granting of this vital aid to El Salvador. Brave people are dying, and we are subjected to this kind of nonsense.

I am speaking plainly, Mr. Speaker, I know, but I feel very deeply about this.

□ 1110

APPOINTMENT OF MEMBERS TO ATTEND FUNERAL OF THE LATE HONORABLE EDWIN B. FORSYTHE

The SPEAKER. Pursuant to House Resolution 474, the Chair appoints as members of the Funeral Committee of the late Edwin B. Forsythe the following Members on the part of the House:

Mr. RODINO of New Jersey;
Mr. MICHEL of Illinois;
Mr. MINISH of New Jersey;
Mr. HOWARD of New Jersey;
Mr. ROE of New Jersey;
Mr. RINALDO of New Jersey;
Mr. FLORIO of New Jersey;
Mr. HUGHES of New Jersey;
Mr. COURTER of New Jersey;
Mr. GUARINI of New Jersey;
Mr. DWYER of New Jersey;
Mrs. ROUKEMA of New Jersey;
Mr. SMITH of New Jersey;
Mr. TORRICELLI of New Jersey;
Mr. STOKES of Ohio; and
Mr. PRITCHARD of Washington.

REQUEST FOR APPOINTMENT OF CONFEREES ON H.R. 5174, BANKRUPTCY AMENDMENTS OF 1984

Mr. RODINO. Mr. Speaker, I ask unanimous consent that if and when the Clerk receives a message from the Senate indicating that that body has passed the bill, H.R. 5174, with an amendment or amendments, the House be deemed to have disagreed to the Senate amendment or amendments and agreed to or requested a conference with the Senate, and that the Speaker be deemed to have appointed conferees without intervening motion.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. KINDNESS. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Ohio reserves the right to object.

Mr. KINDNESS. Mr. Speaker, I take this reservation in order to determine what the particular intelligence behind this request might be. According to the information that is available on this side, first of all, there was no consultation with the minority leadership on this unanimous-consent request in advance until we reached the floor here. I had no knowledge of it until about a minute before the floor session began.

I think there is at least a need for some information as to whether the gentleman knows that the bill as it will be acted upon by the Senate, although they have not started to act upon it yet, will be objectionable to the House. It might turn out that it will be acceptable to the House.

Further reserving the right to object, Mr. Speaker, I would ask the gentleman if he has any knowledge about that. I yield to the gentleman.

Mr. RODINO. My only knowledge is that, first of all, tomorrow night at midnight the terms of the bankruptcy judges expire and the transition court expires——

Mr. KINDNESS. The gentleman is saying he does not have any knowledge what the Senate will do, is that correct?

Mr. RODINO. If the gentleman will yield.

Mr. KINDNESS. The gentleman would not yield to me yesterday in the committee or allow any debate, but I will yield to the gentleman today.

Mr. RODINO. Well, if the gentleman will yield.

Mr. KINDNESS. I yield to the gentleman.

Mr. RODINO. I thank the gentleman for yielding.

I think this is a very extraordinary situation that we are in, since at midnight tonight the authority of all bankruptcy judges who have been provided for under the Bankruptcy Act of 1978 will no longer be in existence.

This gentleman is attempting to at least provide this body with the opportunity to be able to iron out any differences. I understand that the other body has been presently considering matters other than the bankruptcy matter, which is at issue, and those matters may possibly not be agreeable to this House. At least this Member is aware that there may be various extraneous and controversial issues included in the Senate's version.

It is the responsibility of this House to be ready in case that should occur.

Mr. KINDNESS. Further reserving the right to object, Mr. Speaker, I think it is particularly noteworthy that the gentleman is talking about responsibility on the part of the House at this late date, when the matter has been before the Rules Committee, out of the Judiciary Committee for over a year and did not come to this House floor until very recently, last week or the week before.

I do not understand how this responsibility suddenly arises or suddenly occurs to the gentleman.

We have let this matter go until the very last moment. The very brink of the end of our bankruptcy courts is right there before us.

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman.

Mr. RODINO. The gentleman being a member of our committee knows that our Committee on the Judiciary acted immediately following the Marathon Pipeline case where the Supreme Court decided the question of constitutionality and stated, at least in the opinion of this gentleman and many others, that there was a need to recon-

stitute the bankruptcy system. Within a matter of a couple weeks the Judiciary Committee reported a bill by an overwhelming majority, a bill that provided for article III judges. The gentleman is aware of that.

We thoroughly considered the opinion of others, such as the opinion of the gentleman from Ohio who is now reserving the right to object, who had another opinion.

I was certainly always ready to discuss and debate what type of judge might be the type of judge who would be constitutionally empowered to decide these issues.

Mr. KINDNESS. I appreciate the gentleman's comments.

Mr. RODINO. It is unfortunate that other extraneous issues have cropped up. This gentleman always stated unequivocally that the one issue that had to be addressed, the one single issue that had to be addressed because of the deadline problem was the question of the constitutionality of the bankruptcy court system. Then, of course, it became a case of other interests insisting on other matters.

Mr. KINDNESS. Further reserving the right to object, Mr. Speaker, I do not understand what the gentleman just said; but whatever it was, it seems to me——

Mr. RODINO. I speak clearly and in English.

Mr. KINDNESS. It seems to me to further tell us here in the House of Representatives, there has been irresponsibility in dealing with this matter, in letting it go right up to the last minute, and now a request for an unimaginable type of procedure is before the House as a unanimous-consent request, which is ridiculous.

We do not know what the Senate action is going to be. We do not know whether it might be possible for the House to concur in the Senate amendments.

Mr. RODINO. Mr. Speaker, if the gentleman will yield further, the very fact that the gentleman now says that he does not know what the Senate action might be is the very reason we should take this precautionary measure in order to insure that this body would be prepared—to do whatever may be needed in order to meet the deadline.

Mr. KINDNESS. Well, the gentleman may not be aware of it, but yesterday—further reserving the right to object—this gentleman took the floor in the well under the 1-minute speeches and made the accusation that the gentleman from New Jersey is attempting by this type of strategy to kill the bankruptcy legislation.

I repeat that allegation at this time under my reservation and I let it be known, further reserving the right to object, I will yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Pennsylvania, who is asking to be yielded to.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding, because what strikes me as puzzling about the statements that were just made is that since the beginning of this session of Congress, Calendar Wednesday has been available to bring just such legislation to this House floor. Week after week Calendar Wednesday has been there. The gentleman from New Jersey could have come to the House floor with his bankruptcy bill, brought it out here under Calendar Wednesday and it could have been acted upon on the floor. Week after week, Calendar Wednesday has gone by and the gentleman from New Jersey has not been on the floor to bring the bill out here; so I think that just reemphasizes the point that the gentleman from Ohio is making that, in fact, we did wait until the last minute and then we come here with irresponsible requests because of a last minute crisis that has been precipitated by the majority side.

Mr. Speaker, I thank the gentleman.

Mr. KINDNESS. Further reserving the right to object, Mr. Speaker, I think it is perfectly clear that we cannot here at this point in time determine what it is that the other body will do with this legislation. It could come over here possibly with one simple amendment or a very limited type of amendment. We do not know.

My understanding is that, on the other side of the Hill, they are still quite up in the air about what the content of their proposed amendments might be. For us to take the position right now that we want this to go to conference and get bogged down in conference without knowing what the Senate action or the action of the other body will be is not only irresponsible, it is unreasonable.

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. Further reserving the right to object, I yield to the gentleman.

□ 1120

Mr. RODINO. If the Senate sends over a simple measure, the House, under its authority, can always accept it. The House can do that. There would be no need for a conference in that event.

Mr. KINDNESS. That would be in the gentleman's judgment.

Mr. RODINO. The gentleman states that he does not know what the Senate is going to do. We are not simply going to take the Senate version. If we see that it has additional legislative issues in it, there may be a need to go to conference.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Texas.

Mr. BARTLETT. The gentleman from Ohio (Mr. KINDNESS) I think is saying very plainly, under the rules and procedures of this House, this House should decide whether to go to conference upon seeing what the other body acts upon. The other body may act upon something this House will agree to but it should be the decision of the House and not a predetermined decision, and then to be made by the conferees. I think that is what the gentleman is saying.

Mr. KINDNESS. Further reserving the right to object, the gentleman has made the point very exactly. This whole matter has been dealt with in a most arbitrary and capricious manner. All sorts of deviations from usual procedure have been used to deal with it.

What we are concerned with right now is the deviation from the procedures. It is a unanimous-consent request and it can only be allowed if there is unanimous consent, and there obviously will not be unanimous consent.

The SPEAKER. Does the Chair hear an objection?

Mr. KINDNESS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

REQUEST FOR CONSIDERATION OF H.R. 5306, EXTENDING THROUGH MAY 31, 1984, THE TERMS OF U.S. BANKRUPTCY JUDGES

Mr. RODINO. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 5306) to extend through May 31, 1984, the terms of U.S. bankruptcy judges, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. KINDNESS. Mr. Speaker, reserving the right to object, I take this reservation in order to find out what the bill is. As I understand the title that has been read, it would extend the term of bankruptcy judges until May 31, 1985.

Mr. RODINO. Will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from New Jersey.

Mr. RODINO. It is 1984, 60 days.

Mr. KINDNESS. It was read as 1985, I believe.

The SPEAKER. Without objection, the Clerk will again read the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. KINDNESS. Mr. Speaker, further reserving the right to object, I do so in order to state the premise that there is a very unusual flare to what is being attempted here today. The gentleman from New Jersey has introduced another bill which would extend the present bankruptcy situation for 1 year. This bill apparently will extend it for a couple of months and basically I would not have any great objection to that sort of an approach if it were not for the fact that we seem to be somewhat close to the resolution of the bankruptcy court matter and some other matters related to bankruptcy, depending upon what action the other body takes.

If the other body takes those actions today and in a very timely manner, I would be surprised. It appears as though it is going to be Monday before we know what the action of the other body is.

I am not sure that that is a disaster because the House of Representatives could still act on Monday. And it might find what the other body does to be quite acceptable.

I therefore believe that it is premature to take up by this extraordinary procedure another piece of legislation which has not been read in full, and I would object, Mr. Speaker.

The SPEAKER. Objection is heard.

SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 30 minutes.

Mr. LEACH of Iowa. Mr. Speaker, in one of the most acrimonious debates of the past decade, the Senate last week rejected a constitutional amendment which would have allowed prayer in public schools. Senators with such divergent political philosophies as TED KENNEDY and BARRY GOLDWATER opposed the amendment, and it fell 11 votes short of the two-thirds majority required for passage.

Similarly in this body a lengthy discussion occurred, led by proponents of a constitutional amendment, although no formal approach was brought out of committee for floor consideration.

The motives of the participants in this nationwide discourse spanned the gamut, from the sincerity of citizens genuinely concerned with the moral state of America to the cynicism of politicians who seized on the measure as a vehicle for increasing their own and their party's influence. Feelings ran high, and partisans both for and against the amendment came perilously close to committing the ultimate presumption: claiming God was on their side.

Initially, mail and telephone calls to my offices ran heavily in favor of the amendment, with most expressions of support for the measure taking the form of preprinted postcards. As the 2-week-long debate wore on, the comments received became more intense as well as diverse, with those supporting the amendment reflecting deep-seated frustration with a Congress insensitive to popular concerns and those opposed writing long and frequently eloquent letters out of a conviction that government-sponsored prayer would violate their religious freedom.

Institutionally, the nonestablishment churches generally supported the amendment, while mainstream religious organizations, including the American Baptist Churches in the U.S.A., the Church of the Brethren, the Lutheran Church in America, the Presbyterian Church (U.S.A.), the United Church of Christ, the United Methodist Church, the Episcopal Church, and the Union of American Hebrew Congregations, expressed vigorous opposition.

Obviously there are devout and well-meaning individuals on both sides of the question, just as there are hypocrites in each camp who would use the issue for their own ends.

At stake for some was an effort to energize the religious right in this fall's election. Others appeared to be fighting more for the soul of their political party than that of schoolchildren. Parties, after all, attract or repel adherents based on platforms established, and those who aspire to future leadership positions went to great length to carve out philosophical niches designed to appeal to newly emerging single-issue groups.

Extraneous motives aside, those in favor of school prayer argued that public schools mute religious values and that prayer in school would solve discipline problems and curb teenage promiscuity. Anyone who has ever taught Sunday school, however, knows how hard it is to restrain the exuberance of youth even in the Lord's House, and those of us who have been responsible for church teen groups know the problems of growing up cannot be solved simply by a moment of enforced prayer.

As a high school football player I vividly remember standing one afternoon after practice in the team shower when our all-State guard unthinkingly blurted out a particularly unpleasant anti-Semitic joke, at which point the tackle, who had anchored the same side of the line for 3 years, looked up and with pained astonishment said: "How can you tell a joke like that? Don't you know I'm Jewish?" The burly guard's jaw dropped and over the sound of a dozen shower nozzles all that could be heard was his stunned murmur: "So you're what a Jew is."

That response in wonderment—"so you're what a Jew is"—represents the starkest self-recognition of prejudice I have ever witnessed. This 17-year-old student has repeated a joke picked up from adults at the dinner table or pool hall which from personal experience he has no reason to understand. The Iowa high school we attended has a few problems, but these did not include the attachment of a social stigma or the development of friendship cliques along religious group lines.

Peer pressure will always exist with kids, and I have a hard time believing that prejudice will diminish if every day in class 30 boys and girls say by rote a prayer to a secularized God, while one Jew, or Hindu, or Moslem, or one Amish, or Mennonite, or Mormon, or one Baptist, or Nazarene, or Catholic feels compelled to leave the room or stand in embarrassed silence.

It may be true, as Chesterton once suggested, that the test of a good religion is whether you can joke about it, but a test of real faith may be whether there exists sufficient self-confidence for an individual to understand that mocking the beliefs of others is an act of intolerance rather than spiritual love.

While advocates of prayer rightfully pointed out that Congress, unlike our public schools, begins each day with prayer, no one made a case that Congressmen were more moral than kindergartners, or that any of the sponsors of the prayer amendment made a practice of availing themselves on a regular basis of the opportunity to be present for the opening congressional prayer. On the House side, only the Speaker and a half dozen or so Members are generally present as the Chaplain begins each session. Attendance for the daily prayer in the Senate is even less impressive.

Unlike Congress, where nonparticipation in public prayer is the norm because floor attendance is voluntary, Government-sanctioned prayer in a school setting, where general attendance is obligatory, runs the danger of causing minority faith students to be ostracized. Sometimes, as in Iran today, where church and state are synonymous, the line between faith and bigotry is too easily crossed. Just as children often reflect an innocence beyond adults, so from time to time they are wont to inflict the cruelty of prejudice on the nonconforming.

In pre-war Germany, stories are legion of the stoning of Jews, not by authorities but by classmates. And just as Hitler and the Nazi youth movement attempted 40 years ago to isolate minorities and legitimatize superiority of race theories in religious

dogma, the Ayatollah Khomeini's Islamic republic announced last month that all Bahai would have to register their faith with the Government. Reminiscent of earlier Nazi edicts, the message was clear to members of this courageous minority faith. Conform, or live in fear of the Islamic inquisition.

In a society as diverse as our own it is important to stress shared rather than sectarian values. Singling out members of minority faiths presages stone throwing. Schoolchildren understand this better than their parents. In the last several weeks I have made a point of talking with a number of public school classes. To the question, "Do you favor group prayer in school?" less than 1 in 5 have responded in the affirmative. And to the question: "Assuming prayer is required by Government, would you prefer a spoken prayer or a moment of silence?" Every class, without a dissenting voice, indicated a preference for silence. "Group prayer," one ninth grader told me, "would embarrass too many of my friends, it would be unfair."

My advice to the students I talk to is to pray at home, pray in church, pray in school and on the playground, but pray in your way, alone with God, and do not forget to pray for tolerance, aware that your faith is no more sincerely held than that of any of your classmates or than that of students in less fortunate circumstances around the world. If we are ever to contain the ugly head of prejudice in global politics, young Americans must understand that the faith of students in Egyptian, or Indian, or Ecuadoran villages is every bit as strong as their own.

For those of us who have reached adulthood, we likewise must come to understand that a special prayer will have to be said for our country if the constitutionally established separation of church and state breaks down.

As Madison pointed out two centuries ago, "The use of religion as an engine of civil policy is an unhallowed perversion of the means of salvation."

Our Founding Fathers established a Nation "under God," one in which revolution against British authority was premised upon "self-evident" individual rights and an appeal to a higher law of conscience which precedes the more mundane civil laws of society. But in appealing to conscience to justify a revolutionary government, America's first citizens labored carefully to construct, in Jefferson's terms, a wall between church and state.

When erecting the constitutional barrier between church and state, the crafters of the Bill of Rights looked inward as well as outward and turned a wary eye to the American as well as European experience. They fully understood that it was religious authoritarianism in Europe that drew many of the early settlers to our shores, but that upon arriving in the New World, some like the Puritans invoked a rather exclusionary discipline of their own, with witchcraft trials and stocks and pillories used to coerce alleged nonbelievers. "Who does not see," Madison warned, "the same authority which can establish Christianity in exclusion of all other religions may establish, with the same care, any particular sect of Christians in exclusion of all other sects?" The strength of the haven we have provided for oppressed people the world over comes from a tolerance for diversity rather than an enforced conformity.

To the dismay of members of minority faiths, proponents of constitutional amendments to overturn the first amendment argued on the Senate floor that America was founded as a Christian country. It is true that the vast majority of early settlers adhered to one or another Christian denomination. Yet a Jewish American was the most important financier of the Revolutionary War and Jefferson, the primary architect of the Virginia Statute of Religious Freedom as well as the Declaration of Independence, was, according to some historians, a Christian with anti-denominational, almost Deist leanings. And those original Americans who like Squanto and Chief Massasoit shared the first Thanksgiving with the Pilgrims believed in a Supreme Being or force, usually referred to by Eastern tribes as Manitou. The faith of the American Indian may not have been refined in written doctrine but, as evidenced in ceremony and art and dance, it was hardly primitive.

As we cope with a world in which weapons of mass destruction have proliferated, the greatest challenge of mankind is to harness prejudice. Public school prayer opens up America to enormous wrenches. School board contests may come down to battles between Baptists and Lutherans; Catholics and Jews. Whereas few in America oppose the principle of prayer, many are against State-written and mandated prayer. At issue is not only the problem of too strong a prayer—one that may be so doctrinal as to offend minority faiths—but too weak a prayer—one that dilutes faith to the point of meaninglessness. As an ecumenical group of rabbis and bishops recently told Congress:

> Prayer is for the parents to teach and not the board of education. Prayer is for the church and synagogue to teach and not the Government. We do not want some board of education committee watering down our faith as it toils to write a prayer which offends no one. Some of us address God known as Father, Son and Holy Spirit and some speak to the God of Abraham, Isaac, and Jacob * * * We do not want any court or school superintendent imposing his or her belief on our children or, worse still, taking all traditions and turning them into tasteless porridge.

James Shannon, one of the most thoughtful theologians of our times, points out that in both the Hebraic and Christian traditions, specific modes of prayer, going back to Mosaic and early Christian times, distinctly demarcate the prayer lives of scripturally oriented Jews and Christians. The name of God, Shannon notes, is so sacred in the Mosaic code that it is to be used seldom in prayer or speech. Hence the preference in Hebraic prayers for alternative expressions that praise the majesty and other attributes of God without specifically mentioning the sacred name of Yahweh. For Jews there are right and wrong ways to conduct a conversation with God, and it is unlikely a public school board is a competent institutional forum for developing modes of prayer inoffensive to Jewish students.

It has been said in recent days by some politicians and clerics that God has been excluded from the public schools and that we must amend the Constitution to put God back into our schools. Is this not blasphemy? Just as the Supreme Court cannot keep God out of our schools, Congress cannot put Him back in. God is not an object like a bicycle or candy bar. He is the Creator of Heaven and Earth, and anyone—adult or child—may speak to Him from the heart whenever and wherever they are moved to do so. As long as human tribulations exist—whether caused by a math test or unreturned glance—prayer will not be locked out of schools.

Twenty years ago, in the seminal decision of the Supreme Court banning group prayer in public schools, Justice Hugo Black wrote that the Establishment Clause "stands as an expression of principle on the part of the Founders of our Constitution that religion is too personal, too sacred, too holy, to permit its 'unhallowed perversion' by a civil magistrate." Justice Black went on to say of the faith in the power of prayer which animated so many of the authors of the Constitution:

> These men knew that the first amendment, which tried to put an end to Government control of religion and of prayer, was not written to destroy either. They knew rather that it was written to quiet well-justified fears which nearly all of them felt arising out of an awareness that governments of the past had shackled men's tongues to make them speak only the religious thoughts that government wanted them to speak and to pray only to the God that government wanted them to pray to. It is neither sacrilegious nor antireligious to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave that purely religious function to the people themselves and to those the people choose to look to for religious guidance.

Rather than stifling prayer or religious worship, the principal purpose of

the first amendment is to preserve religion in the United States from the inevitably corrupting influence of secular authorities.

Finally, that individual to whom Christians look first for religious guidance, Jesus of Nazareth, warns in the Sermon on the Mount to "beware of practicing your piety before men in order to be seen by them." He goes on to say in Matthew 6: 6, "When you pray, go into your room and shut the door and pray to your Father who is in secret; and your Father who sees in secret will reward you."

In my view, the Senate remained faithful both to the teachings of Christ and to the wisdom of the authors of the Constitution in refusing to sanction group prayer in our public schools. Prayer is an expression of the individual soul's longing for God as the source of all that is really true, good, and beautiful. As such, it is far too central a part of life to be tampered with by any government body, be it a local school board or the Congress of the United States.

The arguments of those who would tamper with our Bill of Rights are patently unpersuasive, but the premise to their arguments cannot be lightly dismissed. America is indeed in need of a spiritual awakening. Evidence mounts every day of the breaking down of family bonds and governmental ethics. But to mandate prayer in public schools is yet another ramification of the tendency in 20th century America to transfer to the State responsibilities that historically have been the province of the church and family. For the Government to assume direct responsibility for the moral upbringing of citizens is the ultimate in welfare statism. Americans must come to understand that there are no easy panaceas to moral challenges and no public substitutes for the inculcation of personal values at home.

As for public life, the best reflection of faith is that of example. What matters is not what one exhorts others to do but how one lives one's life. America is crying out for moral leadership from men and women in public life, but religious proselytizing should be left to deacons, not Senators.

Instead of interpreting scripture for others, politicians should busy themselves with following it themselves. A good place to begin would be for everyone in Washington to reread the prophet Isaiah's exhortation to beat swords into plowshares and summon the courage and discipline needed to restrain the arms race and balance the Federal budget. Otherwise, a cynical public might conclude that the recent debate in Congress over children's prayers was really a diversion designed to take attention from the halls of Government and focus it instead on classes of students. The American public deserves better.

□ 1140

PHONE COMPANY CREDIT CARDS—FOR WHOM DOES THE BELL TOLL?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, reports of enormous phone bills have been coming into my office, and when I say large, I am not talking about the large bill you receive when you talk to your sister long distance for 2 hours. I am talking about bills reaching into the thousands. The bills are so high because of the fraudulent use of telephone credit card numbers. For the consumers who receive these bills, which often need to be delivered by package handlers, it is more than just another human interest story.

All credit card fraud is growing by enormous proportions, and the misuse of telephone credit cards is increasing daily. In fiscal year 1982, American Telephone & Telegraph estimated the company lost $70 million due to telephone credit card fraud. Fiscal year 1983 has already topped that, with losses of $71 million for the first three-quarters of 1983. There are approximately 47 million AT&T credit cards in circulation, and the amount of fraud equals almost $2 for every card issued.

Recent cases report misuses on single numbers totaling over $100,000 in 1 month's time. In Bedford, N.Y., one women received a 2,578-page bill totaling $109,500. The bill was so thick that it has to be delivered by the United Parcel Service. In Littleton, N.H., one man received a bill for $109,000. And in Lighthouse Point, Fla., one couple's bill totaled $91,871. These fraudulent reports are beginning to become so common that we hardly take note when we read about a District of Columbia resident's $26,000 charge. Such fraudulent activity must be curtailed.

Unlike most other types of credit cards, the telephone credit card requires no documentation or proof of identity for use. The thief makes the call, charges it to a credit card number, and the crime is complete. If the charge number is one currently in circulation, the call goes through, even if placed to another continent. And who pays the bill for this bit of chicanery? We all do.

I have long been concerned about credit card crime, which is a $1 billion a year business. Following extensive hearings, the Credit Card Protection Act passed the House 422 to 0 last November. Unfortunately, the Senate has yet to act on the legislation, and credit card fraud continues unabated.

A key provision of the Credit Card Protection Act makes it a crime not only to use a credit card, but also to use the credit card number alone. During the course of my study of credit card fraud, it became very clear to me that the greatest threat to card systems came not from the threat of stolen cards, but from stolen card numbers. It is much more valuable for the thief to have a card number while the card is in the consumer's pocket than to have the card itself. If the card is gone, the consumer realizes it, reports that it is lost or stolen, and the account is deactivated. But if the card is in the consumer's pocket, the number can be used until the consumer receives the bill 1 month later, with tens of thousands of dollars worth of charges upon it.

The following scenario illustrates just how easy telephone credit card fraud can be. A consumer is at an airport trying to make a call on a telephone credit card. The consumer punches the number in to make the call. Unfortunately, the person behind the consumer watches and jots down the number, places calls at the consumer's expense, and then passes the number on to confederates, who use the number and also pass the number along to their confederates. The consumer has no knowledge that the card number has been misappropriated. After all, the consumer still has possession of the card. Because there are no procedures to check the identity of the user or flag the unusual activity on the card, the phone company is unaware of the problem for many weeks. The result: The consumer receives a phone bill that is too large to fit in a mailbox. And recovery from the parties called by the thief is often impossible.

The growth of telephone credit card fraud underlies the need for the passage of the Credit Card Protection Act. With the Credit Card Protection Act in force, the use of someone else's credit card number will be what it should be—Federal crime. Until further precautions are developed, consumers should be careful when using their telephone credit cards to prevent criminals from misusing their number. Consumers should apply the same safeguards to telephone credit cards as they do to cash. They should make sure no one is watching over their shoulder as they punch in their account number. Consumers should also be alert for eavesdroppers when it is necessary to repeat the card number to an operator. Lost or stolen cards should be reported promptly.

We must all be concerned about every instance of telephone credit card crime. The Credit Card Protection Act will help reduce this type of crime, but until the bill's passage is secured, consumers should be especially careful when using telephone credit cards.●

AUTHORIZING THE SPEAKER TO DECLARE RECESS TODAY

Mr. WEAVER. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess at any time today subject to the call of the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

Mr. KINDNESS. Mr. Speaker, reserving the right to object, I do so only for the purpose of getting some clarification as to the intended course of action behind the recess request.

I understand that what is contemplated is that the other body is likely to take action very shortly on a bill that would extend for 30 days the present bankruptcy setup. This would allow time for the legislation to be dealt with that is currently sort of stymied over on the other side of the Hill. If that is the purpose, and then the House would have the opportunity to take it up, I would feel that there is no reason to object, but further reserving the right to object, I would ask the gentleman from Oregon for clarification.

Mr. WEAVER. Mr. Speaker, I will tell my distinguished friend, the gentleman from Ohio, that that is indeed the reason for the unanimous-consent request.

Mr. KINDNESS. Mr. Speaker, under my reservation, I yield to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. I thank the gentleman for yielding.

Mr. Speaker, I would merely like to point out that a few minutes ago I was attempting to do the very same thing that the gentleman now seems to consider as the correct thing to do.

I would have hoped that we would have done it without the necessity of having to come back here and accommodate the request that is being made by the other body. Some Members felt that that was the termination of any possibility of a solution to this matter at this time. I regret that that did occur. However, I am glad that the gentleman feels so disposed at this time.

Mr. KINDNESS. Further reserving the right to object, Mr. Speaker, I shall not shed any tears over the time that has elapsed in the meanwhile, and I am not sure that I will not object pending discussions that are still occurring. I do feel that the procedure has apparently become necessary because of the condition of matters over on the other side of the Hill. But we were not informed that that was necessarily the case when the matter was before the House on the unanimous-consent request previously.

Further reserving the right to object, I would ask the gentleman from Illinois (Mr. MICHEL) if he would have any comment at this point.

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Speaker, having had a conversation with a Member over in the other body, it is my understanding that they would within the next 15 minutes or so take up a simple 30-day extension of the bankruptcy matter and send it over to us. That is all I know at this juncture. I would assume that if that were to take place, then it would be a question of whether or not the chairman and the ranking minority member are amenable to that. In the meantime, if there is no business, I suspect that if we cannot spin our wheels for half an hour to give them an opportunity to do that, it may be in order for a recess until we would have an opportunity to reconvene and take up that request.

Now, might I inquire, under the gentleman's reservation, of the chairman of the committee if that is the way he understands the situation to be at the moment?

Mr. KINDNESS. Under my reservation, Mr. Speaker, I yield to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Speaker, I certainly would not oppose any such measure that might at least provide us with an opportunity to be able to work this out. However, I would want to say that we have not yet seen the request. And while it is described as a simple 30-day request, I think it would be appropriate for this body to be aware of just what the request might be, what the extension might be. Certainly if it comports with what it has been represented to be and the urgent situation that needs to be addressed, then I would not be opposed.

Mr. MICHEL. I thank the gentleman.

Mr. Speaker, the way I would understand it would be only on the strength of a simple 30-day extension. Everything else would be on hold.

The SPEAKER. The Chair would suggest, if it is in agreement with the chairman of the Judiciary Committee, 45 days. The reason the Chair suggests 45 days is that 30 days will expire the week the House returns from district work period to a very, very light schedule. Congress may be in exactly the same position then as we are in today.

Mr. MICHEL. Mr. Speaker, I guess the only problem with that would be that then we would have to send it back to the other body. Maybe it would be best if we got on the horn here, Mr. Speaker, and alerted the other body to the problem with the 30 days and suggest 45 days.

The SPEAKER. The Chair withdraws his suggestion. Senator BAKER, the Republican leader, assures that if Congress is in a similar bind when we come back after Easter that he would be happy to extend it another 15 days at that particular time, if we reach an agreement with the chairman of our Judiciary Committee.

□ 1150

Mr. RODINO. Would the Speaker restate the request?

The SPEAKER. Does the gentleman want to make the unanimous-consent request and change his previous piece of legislation that he had introduced from 60 to 30 days, and ask unanimous consent for its consideration?

Mr. RODINO. Mr. Speaker, I have no objection, and if that will expedite matters, I would be very happy to comply. I think it is a very reasonable request.

The SPEAKER. Does the Chair understand that the Republican leader would like the Senate bill to come over here and for us to act on it?

Mr. MICHEL. Mr. Speaker, I want to make absolutely sure that what they do is prefectly consistent with what we would do.

The SPEAKER. That is what the Chair would want; similar bills.

Is there any objection to the House staying in recess until such time as the Senate has acted on the bill?

Mr. MICHEL. No, Mr. Speaker.

Mr. KINDNESS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

RECESS

The SPEAKER. The House will stand in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 52 minutes a.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 3 p.m.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2507. An act to continue the transition provisions of the Bankruptcy Act until May 1, 1984, and for other purposes.

□ 1500

CONTINUING CONTROLS RELATING TO CERTAIN FOREIGN BOYCOTT ACTIVITIES AND ACCESS TO U.S. PRODUCTS, TECHNOLOGY, AND TECHNICAL DATA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-191)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

(For message, see proceedings of the Senate of today, Friday, March 30, 1984.)

BANKRUPTCY ACT EXTENSION

Mr. RODINO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2507) to continue the transition provisions of the Bankruptcy's Act until May 1, 1984, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. WALKER. Mr. Speaker, reserving the right to object, I reserve the right to object to ask a couple of questions.

If we go through with this basically emergency action, we are acting at a point of crisis here, which is always a bad way to legislate; if we go through with enacting this emergency legislation, do we have any assurance that we are not going to be back with the same kind of crisis 30 days from now?

I would be glad to have the gentleman from New Jersey respond.

Mr. RODINO. I do not think that I can assure the gentleman beyond myself; I can offer no assurance for what the other body may do.

All I can assure the gentleman is that within these 30 days we will hopefully resolve what may be the problem areas that exist now and I am hopeful that we can do so.

Mr. WALKER. Well, further reserving the right to object, can the gentleman tell me how we are going to resolve those differences in a noncrisis atmosphere that we could not get alone in a crisis atmosphere?

I will be glad to yield to the gentleman.

Mr. RODINO. We have, assuming that this extension is agreed to, we have 30 days within which to act and I think that that allows for some deliberate kind of action.

Mr. WALKER. Further reserving the right to object.

The SPEAKER. How can we anticipate what the Senate is going to do. The Senate has not passed the main piece of legislation.

Mr. WALKER. Well, further reserving the right to object, I appreciate the Speaker's question. My problem is, it seems to me we have——

The SPEAKER. I am not asking a question, I am issuing a statement.

Mr. WALKER. Well, my point is we have had several months to act. And we have regularly cited this particular bill as one of the ones that could have been brought to the House floor under the Calendar Wednesday, for example.

Mr. RODINO. Will the gentleman yield?

Mr. WALKER. Now we come down to a crisis atmosphere and then we are told we need a 30-day extension so we can get everything worked out. I am trying to find out what is going to happen within the next 30 days that has not happened up until now.

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from New Jersey.

Mr. RODINO. The House already acted on this measure.

Mr. WALKER. The gentleman from Pennsylvania is fully aware of that.

Mr. RODINO. And we are waiting for the Senate now.

Mr. WALKER. Further reserving the right to object, I am fully cognizant of the House acting. The House acted at kind of the last minute so that that raises some questions in and of itself. The House acted on a bill that had not had full hearings on aspects of it. But I understand we have acted.

But the problem that I have is nobody is explaining to me why a 30-day extension at this point gets us any further than we are today. Why not, if the Senate is the problem, why not precipitate the crisis, force the Senate to come to a resolution of the matter? That is this gentleman's question.

Mr. RODINO. Mr. Speaker, if the gentleman would yield.

Mr. WALKER. I would be glad to yield to the gentleman from New Jersey.

Mr. RODINO. I can not compel the Senate to come to any resolution of the matter.

Mr. KINDNESS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman. I think the gentleman's point is one that has some validity but we must bear in mind that the Senate did act on this matter 1 year ago. It is important for us to get this in context, I suppose, because sometimes we get a little close to it and forget the history.

A year ago, the Senate acted on bankruptcy. We sat around for 1 year before bringing it up in the House. It is really a little out of context to say now that we are waiting for the Senate, without explaining that background. So I appreciate the gentleman yielding.

Mr. WALKER. I thank the gentleman.

I think that further makes the point that we are being asked to do something in a hurry-up fashion here which raises some questions as to whether or not we are accomplishing anything except delaying the inevitable. And I am still seeking some assurance that we might have some chance of being somewhere 30 days from now.

Mr. RODINO. Mr. Speaker, if the gentleman will yield.

Mr. WALKER. Be glad to yield to the gentleman.

Mr. RODINO. I thank the gentleman.

The action that is now being requested is something that this gentleman proposed about 4 or 5 hours ago and hopefully we will now act on this; but this matter, this matter of extension is being requested by the other body.

□ 1510

In an effort to try to reconcile what are the problem areas, this gentleman, along with those who I believe want to resolve this, is willing to agree to this extension.

Mr. WALKER. Well, once again, I thank the gentleman. The fact that it comes from the other body does not always mean that it is the most responsible kind of legislation that ever came down the pike, either.

I guess we are left with an alternative based upon the crisis that has been precipitated, I think artificially so, because we refused to act early enough to work the matter out before we came to a crisis time, that I think is a shame within this process. It is something that we do regularly around here that should not be done.

Given the set of circumstances, I am not going to object, but I can assure the gentleman that if this comes up 30 days from now, and we are in the same kind of situation, I will object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey (Mr. RODINO)?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 402 of the Act entitled "An Act to establish a uniform Law on the Subject of Bankruptcies" (Public Law 95-598) is amended in subsections (b) and (e) by striking out "April 1, 1984" each place it appears and inserting in lieu thereof "May 1, 1984".

(b) Section 404 of such Act is amended in subsections (a) and (b) by striking out "March 31, 1984" each place it appears and inserting in lieu thereof "April 30, 1984".

(c) Section 406 of such Act is amended by striking out "March 31, 1984" each place it appears and inserting in lieu thereof "April 30, 1984".

(d) Section 409 of such Act is amended by—

(1) striking out "April 1, 1984" each place it appears and inserting in lieu thereof "May 1, 1984"; and

(2) striking out "March 31, 1984" each place it appears and inserting in lieu thereof "April 30, 1984".

SEC. 2. Section 405(b) of the Act entitled "An Act to establish a uniform Law on the Subject of Bankruptcies" (Public Law 95-598) is amended by adding at the end thereof the following: "The Revised Emergency Rule prescribed by the Judicial Conference of the United States, which became effective on December 25, 1982, shall be in effect during the remainder of the transition period. The Conference may amend such Rule if necessary in order to provide for the orderly and expeditious consideration of bankruptcy cases and proceedings in the Federal courts.".

SEC. 3. (a) Section 8339(o) of title 5, United States Code, is amended by striking out "April 1, 1984" and inserting in lieu thereof "May 1, 1984".

(b) Section 8331 (22) of title 5, United States Code, is amended by striking out "March 31, 1984" and inserting in lieu thereof "April 30, 1984".

AMEMDMENT OFFERED BY MR. RODINO

Mr. RODINO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RODINO: Strike section 2 and insert in lieu thereof the following:

SEC. 2. The term of office of any bankruptcy judge who was serving on March 31, 1984 and of any bankruptcy judge who is serving on the date of the enactment of this Act is extended to and shall expire on May 1, 1984.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Wisconsin for the purposes of debate.

Mr. KASTENMEIER. I thank the gentleman for yielding.

Mr. Speaker, I would like to ask if I am correct in the understanding that in acting to delete section 2 of the Senate-passed bill we wish to make no expression whatsoever about the validity of the existing model rule?

Mr. RODINO. The gentleman is correct.

Mr. KASTENMEIER. And if my chairman will further yield, am I also correct in understanding that we are assuming the existing model rules which have been promulgated by local district courts will most likely be continued by those courts after this bill is signed?

Mr. RODINO. The gentleman is again correct in his assumption.

Mr. KASTENMEIER. Am I further correct in understanding that really that passage of this bill will perpetuate what it is the existing status quo?

Mr. RODINO. That is correct.

Mr. KASTENMEIER. And further, that the bill will prevent a reduction in the salary of the U.S. magistrates which would otherwise have occurred in April 1, 1984?

Mr. RODINO. Yes, I am glad to make clear that that is the intent.

I thank the gentleman for bringing this up.

Mr. KASTENMEIER. I thank the gentleman for his explanation.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, I just want to add that it is my understanding that the Senate leadership is prepared to accept the action by this body with the gentleman's amendments.

I do think that the Nation would have been better served if we had resolved this matter fully and finally today.

But I certainly pledge myself and the Republican members of the Judiciary Committee to do everything possible to bring a resolution within the next 30 days.

Mr. RODINO. I thank the gentleman.

The SPEAKER. The question is on the amendment offered by the gentleman from New Jersey (Mr. RODINO).

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DRAFT OF JOINT RESOLUTION TO APPROVE COMPACT OF FREE ASSOCIATION RELATING TO THE TRUST TERRITORY OF THE PACIFIC ISLANDS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-192)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and the Committee on Interior and Insular Affairs and ordered to be printed:

(For message, see proceedings of the Senate of today, Friday, March 30, 1984.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. HALL of Ohio (at the request of Mr. WRIGHT), for March 30 through April 6, on account of serving as a delegate to the Inter-Parliamentary Union.

Mr. HUBBARD (at the request of Mr. WRIGHT), for March 30 through April 6, on account of serving as a delegate to the Inter-Parliamentary Union.

Mr. HAWKINS (at the request of Mr. WRIGHT), for March 30 through April 9, on account of serving as a delegate to the Inter-Parliamentary Union.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BARTLETT) to revise and extend their remarks and include extraneous material:)

Mr. LEACH of Iowa, for 30 minutes, today.

Mr. CONTE, for 5 minutes, today.

(The following Members (at the request of Mr. DARDEN) to revise and extend their remarks and to include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. PEPPER, for 60 minutes, April 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BARTLETT) and to include extraneous matter:)

Mr. CONABLE.

Mr. BEREUTER.

Mr. SOLOMON.

Mr. COURTER in three instances.

Mr. GUNDERSON.

Mr. FISH.

(The following Members (at the request of Mr. DARDEN) and to include extraneous matter:)

Mr. BARNES.

Mr. LANTOS.

Mr. STOKES.

Mr. AKAKA.

Mr. COELHO.

Mr. RODINO.

Mr. KASTENMEIER.

Mr. PEPPER.

Mr. SHARP.

ADJOURNMENT

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 15 minutes p.m.) under its previous order, the House adjourned until Monday, April 2, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3033. A letter from the Acting Assistant Secretary of the Army (Installations and Logistics), transmitting notification of the proposed decision to convert to contractor

performance the maintenance services for the Oakdale support element located at Neville Island, Pa., pursuant to 10 U.S.C. 2304nt (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

3034. A letter from the Secretary of Education, transmitting copies of the proposed final regulations for the National Diffusion Network, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

3035. A letter from the Secretary of Education, transmitting copies of proposed final regulations for Library Services and Construction Act program, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

3036. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Rail Passenger Service Act to authorize additional appropriations for the National Railroad Passenger Corporation and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Energy and Commerce.

3037. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Robert T. Hennemeyer, Ambassador-designate to the Republic of The Gambia, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

3038. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on international science and technology for development, as required by House Report No. 98-192; to the Committee on Foreign Affairs.

3039. A letter from the Chairman, Board of Directors, Tennessee Valley Authority, transmitting a report on TVA's compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act) during 1983, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3040. A communication from the President of the United States, transmitting the recommendation of the Secretary of the Interior and the Governor of Alaska with respect to the creation of the Denali National Scenic Highway, pursuant to Public Law 96-487, section 1311(d); to the Committee on Interior and Insular Affairs.

3041. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting a special report on the proposal by the Federal Highway Administration to assist in the construction of the Presidential Parkway, pursuant to Public Law 89-665, section 202(b) (94 Stat. 2999); to the Committee on Interior and Insular Affairs.

3042. A letter from the Chief Immigration Judge, Department of Justice, transmitting a report on the suspension of deportation of certain aliens of good character and with required residency when deportation causes hardship under section 244(a), Immigration and Nationality Act, pursuant to INA, section 244(c) (66 Stat. 214, 76 Stat. 1247); to the Committee on the Judiciary.

3043. A letter from the Acting Assistant Secretary for Conservation and Renewable Energy, Department of Energy, transmitting notification of a delay in submitting a report on the Department's comprehensive program management plan for wind energy systems, pursuant to Public Law 96-345, section 4(c); to the Committee on Science and Technology.

3044. A letter from the Under Secretary of State for Management, transmitting the third annual report on implementation of the Foreign Service Act of 1980, pursuant to Public Law 96-465, sections 2402 (a) and (b); jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

3045. A letter from the Under Secretary of State for Management, transmitting additional information to section V of the third annual report on implementation of the Foreign Service Act of 1980, pursuant to Public Law 96-465, sections 2402 (a) and (b); jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

3046. A letter from the Secretary of the Interior, transmitting a report on negotiations to settle claims where Alaska Native villages and the Alaska Railroad are in conflict as to the rightful claimant of the land, pursuant to Public Law 97-468, section 606(b)(1)(B); jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

3047. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to entitle certain U.S. citizens and nationals domiciled in Guam, American Samoa, or the Northern Mariana Islands and citizens of the Northern Mariana Islands to document vessels under the laws of the United States, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. H.R. 1314. A bill to extend and revise the authority of the President under chapter 9 of title 5, United States Code, to transmit to the Congress plans for the reorganization of the agencies of the executive branch of the Government, and for other purposes; with an amendment (Rept. No. 98-128, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee on Science and Technology. H.R. 4974. A bill to authorize appropriations to the National Science Foundation for the fiscal year 1985; with amendments (Rept. No. 98-642). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4707. A bill to designate certain national forest lands in the State of Arizona as wilderness, and for other purposes; with an amendment (Rept. No. 98-643, Pt. I). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUGHES: Committee on the Judiciary. H.R. 5222. A bill to amend title 18, United States Code, to make certain robberies and burglaries involving controlled substances a Federal offense (Rept. No. 98-644). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RODINO:

H.R. 5306. A bill to extend through May 31, 1984, the terms of U.S. bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

By Mr. CONABLE (for himself and Mr. MCHUGH):

H.R. 5307. A bill to amend the Federal Election Campaign Act of 1971 to regulate political advertising in campaigns for Federal elective office; to the Committee on House Administration.

By Mr. FAUNTROY (for himself, Mr. DELLUMS, and Mr. MCKINNEY):

H.R. 5308. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; to the Committee on the District of Columbia.

By Mr. HANCE:

H.R. 5309. A bill to amend the Internal Revenue Code of 1954 to provide a credit against income tax for the recycling of hazardous wastes; to the Committee on Ways and Means.

By Mr. HUGHES (for himself, Mr. RINALDO, Mr. RODINO, Mr. FISH, Mr. LAGOMARSINO, Mr. FLORIO, Mrs. HOLT, Mr. DWYER of New Jersey, Mr. HOWARD, Mrs. ROUKEMA, Mr. SMITH of Florida, Mr. MINISH, Mr. LUNGREN, Mr. TORRICELLI, Ms. FIEDLER, Mr. COURTER, Mr. GUARINI, and Mr. ROE):

H.R. 5310. A bill to amend the Age Discrimination in Employment Act of 1967 to exclude from the operation of such act matters relating to the age at which individuals may be hired, or discharged from employment, as firefighters and law enforcement officers by States and political subdivisions of States; to the Committee on Education and Labor.

By Mrs. SCHROEDER (for herself and Mr. MARKEY):

H.R. 5311. A bill to freeze the total amount of appropriations for fiscal year 1985 for national defense functions under the budget at the level of appropriations made for fiscal year 1984; to the Committee on Armed Services.

By Mr. SHANNON:

H.R. 5312. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income certain financial assistance furnished to State-insured financial institutions; to the Committee on Ways and Means.

By Mr. SHARP:

H.R. 5313. A bill to authorize appropriations for fiscal year 1985 to carry out the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. WAXMAN:

H.R. 5314. A bill to amend and reauthorize the Clean Air Act; to the Committee on Energy and Commerce.

By Mr. WEAVER (for himself, Mr. EMERSON, Mr. FOLEY, Mr. BONKER, Mr. BOSCO, Mr. WILSON, Mr. LOTT, Mr. ROBERT F. SMITH, Mr. MONTGOM-

ERY, Mr. DASCHLE, Mr. JEFFORDS, Mr. MORRISON of Washington, Mr. RICHARDSON, Mr. COELHO, Mr. LEHMAN of California, Mr. SWIFT, Mr. ANTHONY, Mr. CAMPBELL, and Mr. WATKINS):

H.R. 5315. A bill to increase the percentage of national forest receipts payable to States, and to expand the purposes for which such receipts may be expended for the benefit of counties, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. JONES of Oklahoma:

H. Con. Res. 280. Concurrent resolution revising the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987; to the Committee on the Budget.

By Mr. DIXON (for himself, Mr. GRAY, Mr. LELAND, Mr. TOWNS, Mrs. COLLINS, Mr. HAWKINS, Mr. CONYERS, Mr. CLAY, Mr. STOKES, Mr. FAUNTROY, Mr. DELLUMS, Mr. MITCHELL, Mr. RANGEL, Mr. FORD of Tennessee, Mr. CROCKETT, Mr. DYMALLY, Mr. SAVAGE, Mrs. HALL of Indiana, Mr. OWENS, Mr. WHEAT, and Mr. HAYES):

H. Con. Res. 281. Concurrent resolution revising the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987; to the Committee on the Budget.

MEMORIALS

Under clause 4 of rule XXII,

355. The SPEAKER presented a memorial of the Legislature of the Territory of Guam, relative to just compensation for the inverse condemnation of certain property; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of Rule XXII, sponsors were added to public bills and resolution as follows:

H.R. 1543: Mr. MARTINEZ.

H.R. 1918: Mr. LAGOMARSINO.

H.R. 2053: Mr. NOWAK.

H.R. 2847: Mr. WEISS.

H.R. 3866: Mr. LEWIS of Florida.

H.R. 3990: Mr. MARLENEE, Mr. FOGLIETTA, and Mr. HAYES.

H.R. 4591: Mr. FLORIO.

H.R. 4760: Mr. LEVINE of California, Mr. CONYERS, Mrs. SCHROEDER, Mr. SIMON, and Mr. FAZIO.

H.R. 4813: Mr. BARNES.

H.R. 4877: Mr. FIELDS, Mr. FORD of Michigan, Mr. MARTIN of North Carolina, and Mr. PEPPER.

H.R. 5053: Mr. BLILEY, Mr. BONER of Tennessee, and Mr. RALPH M. HALL.

H.R. 5196: Mrs. JOHNSON and Mr. BATEMAN.

H.R. 5222: Mr. LELAND and Mr. DEWINE.

H.J. Res. 472: Mr. FRENZEL, Mr. COELHO, Mr. JEFFORDS, Mr. FEIGHAN, and Mr. VOLKMER.

H.J. Res. 487: Mr. DOWDY of Mississippi, Ms. KAPTUR, Mr. LAFALCE, Mr. MCCURDY, Ms. MIKULSKI, Mr. MOORE, Mr. ROGERS, Mr. SMITH of New Jersey, and Mr. WYLIE.

H.J. Res. 520: Mr. ARCHER, Mrs. KENNELLY, Mr. EDWARDS of Alabama, Mr. MOODY, Mr. BURTON of Indiana, Mr. PATMAN, Mr. UDALL, Mr. HARKIN, Mr. MURTHA, Mr. COYNE, Mr. ST GERMAIN, Mr. MCCLOSKEY, Ms. FIEDLER, Mr. YATRON, Mr. MCNULTY, Mr. GARCIA, Mr. KOGOVSEK, Mr. WHITLEY, Mr. DE LA GARZA, Mr. BRYANT, Mr. HEFNER, Mr. EVANS of Illinois, Mr. MORRISON of Connecticut, Mr. O'BRIEN, Mr. BOLAND, Mr. ACKERMAN, Mr. ADDABBO, Mr. DOWDY of Mississippi, Mr. SUNIA, Mr. MCKINNEY, Mr. ORTIZ, Mr. STANGELAND, Mr. LELAND, Mr. PASHAYAN, Mr. CLARKE, Mr. HOWARD, Mr. SMITH of Iowa, Mr. WYLIE, Mr. SMITH of Florida, Mr. YOUNG of Missouri, Mr. MOLLOHAN, Mr. EDGAR, Mr. SWIFT, Mr. LONG of Maryland, Mr. BERMAN, Mr. BROOKS, Mr. LUNDINE, Mr. FOGLIETTA, Mr. SIMON, Mr. VANDERGRIFF, Mr. GAYDOS, Mr. FASCELL, Mr. JONES of North Carolina, Mr. DARDEN, Mr. RATCHFORD, Mr. ROSE, Mr. PORTER, Mr. GRADISON, Mr. HORTON, Mr. HERTEL of Michigan, Mr. ANDREWS of Texas, Mr. EMERSON, Mr. FROST, Mr. BOEHLERT, Mr. STENHOLM, Mr. MINETA, Mr. KASICH, Mr. DYMALLY, Mr. ANNUNZIO, Mr. PATTERSON, Mrs. BOXER, Mr. OXLEY, Mr. DWYER of New Jersey, Mr. JACOBS, Mr. FRANK, Mr. HAMMERSCHMIDT, Mr. WILSON, Mr. HAMILTON, Mr. TOWNS, Mr. DOWNEY of New York, Mr. HANCE, Mr. DIXON, Mr. SKEEN, Mr. MCHUGH, Mr. DYSON, Mrs. BURTON of California, Mr. RAY, Mr. NICHOLS, Mr. JENKINS, Mr. KAZEN, Mr. HUGHES, Mr. WALGREN, Mr. CORRADA, Mr. BARTLETT, Mr. SCHUMER, Mr. GRAY, Mr. BORSKI, Mr. SOLARZ, Mr. RICHARDSON, Mr. NEAL, Mr. MURPHY, Mr. LEVINE of California, Mr. LIPINSKI, Mr. HAWKINS, Mr. MARTINEZ, Mr. ASPIN, Mrs. HALL of Indiana, Mr. BATES, Mr. GORE, Mr. LUKEN, Mr. HALL of Ohio, Mr. STOKES, Mr. CONYERS, Mr. VALENTINE, Mr. TALLON, Mr. DELLUMS, Mr. WEISS, Mr. WAXMAN, Mr. MINISH, Mr. BIAGGI, Mr. ERDREICH, Mr. SAVAGE, Mr. CARR, Mr. FAZIO, Mr. COOPER, Mr. FORD of Michigan, Mr. PEPPER, Mr. DOWNEY of New York, Mr. REID, Mr. LOWERY of California, Mr. HUTTO, Mr. SPRATT, Mr. KEMP, Mr. RODINO, Mr. COLEMAN of Texas, Mr. WEBER, Mr. SCHEUER, Mr. DURBIN, Mr. OBERSTAR, Mr. MARKEY, Mr. BLILEY, Mr. SISISKY, Mrs. COLLINS, Mr. CONTE, Mr. HAYES, Mr. MOAKLEY, Mr. LAFALCE, Mr. GUARINI, Mr. DANIEL, Mr. SHANNON, Mr. PICKLE, Mr. BARNES, Mr. LEVIN of Michigan, Mr. FORD of Tennessee, Mr. SMITH of New Jersey, Mr. TORRICELLI, Mr. VENTO, Mr. ENGLISH, Mr. FRENZEL, Mr. STAGGERS, Mr. CLINGER, Mr. LATTA, Mr. MORRISON of Washington, Mr. ROE, Mr. SABO, Mr. HATCHER, Mr. BROWN of Colorado, Mr. MCCAIN, Mr. VANDER JAGT, Mr. WINN, Mr. DANNEMEYER, Mr. WORTLEY, Mr. OLIN, Mr. HUBBARD, Mr. MARTIN of New York, Mr. CLAY, Mr. LANTOS, Mr. YOUNG of Florida, Mr. NOWAK, Mr. YATES, Mr. CORCORAN, Mr. BEVILL, Mr. RITTER, Mr. GEJDENSON, Mr. PETRI, Mr. HILLIS, Mr. DICKINSON, Mr. DUNCAN, Mr. SNYDER, Mr. MAVROULES, Mr. BEDELL, Mr. MCDADE, Mr. RUDD, Mr. SIKORSKI, Mr. LENT, Mr. FISH, Mr. LEACH of Iowa, Mr. COATS, Mr. LOTT, Mr. MADIGAN, Mrs. MARTIN of Illinois, Mr. RINALDO, Mr. GREEN, Mr. BILIRAKIS, Mrs. HOLT, Mr. OWENS, Mr. MRAZEK, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. MONTGOMERY, Mr. RANGEL, Mr. KRAMER, Mr. WHITTAKER, Mr. MCGRATH, Mr. LOEFFLER, Mr. LEHMAN of Florida, and Mr. GILMAN.

H. Res. 450: Mr. HERTEL of Michigan, Mr. GEJDENSON, Mr. SIMON, Mr. GARCIA, Mr. MACK, Mr. LIPINSKI, Mr. EVANS of Illinois, Mr. MOLINARI, Mr. RODINO, and Mr. MRAZEK.

EXTENSIONS OF REMARKS

RENAISSANCE OF A CITY, LONG BEACH, CALIF.

HON. GLENN M. ANDERSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. ANDERSON. Mr. Speaker, in the April-May 1984 edition of Modern Maturity, published by the American Association of Retired Persons, is an excellent article which describes the rebirth and renaissance of the city of Long Beach, Calif.

Mr. Speaker, as you may know, Long Beach was for many years a popular seaside resort which attracted Hollywood celebrities as well as vacationers from America's heartland. Like many large cities, however, Long Beach became entangled in a web of financial and physical deterioriation. As recently as the mid-1970's, the heart of Long Beach was only a shadow of its former self.

This all changed in the late 1970's, however, when we were able to secure a modest—yet, badly needed—Federal financing package to bring Long Beach back to life.

Today, it is a city which has attracted well over $1 billion in private investment. It is estimated that this figure will rise to $3 billion by 1990.

So that our colleagues can have a better understanding of what has been happening in Long Beach, I urge them to read the following article from Modern Maturity:

RENAISSANCE OF A CITY: FROM DESPAIR TO VITALITY

(By Charles N. Barnard)

Excuse me, Long Beach, California, but I must be honest. When I mention your name in some of the less-informed areas of this country, many people just squint and say, "Long Beach? Hmmm. Where exactly is that?"

When I explain that you face the Pacific just 45 minutes south of Los Angeles, most of these foreign nationals just nod, taking my word for your location, but then they add, quizzically, "Is there another Long Beach somewhere? In New Jersey?" I say, no, there's only one that's a real city. It's where the *Queen Mary* is—and Howard Hughes' Spruce Goose—and a major oil field—and the Grand Prix race—and, sometimes, the battleship *New Jersey*—and for the last 25 years it has been the western hometown of the American Association of Retired Persons and the birthplace of each issue of Modern Maturity.

That shuts 'em up.

Twenty-five years is a significant landmark in the history of an organization like AARP, but in the history of a city it can be just a moment. (In the Old World, it sometimes took a few centuries just to finish work on the cathedral.) In the case of Long Beach, the past quarter-century is only a small part of a story that begins in the Spanish Colonial days of the 1500s. However, these last 25 years have been a roller coaster of good fortune and bad.

Today, whether the word has yet spread to all parts of the country or not, Long Beach, with its 360,000 residents, is one of those American cities that is in the process of rebuilding itself from despair to vitality. The job isn't finished, but so much has already been accomplished that the final result isn't in doubt. This place is going to make it; this place has a future.

Back when AARP was getting started in the late '50s, Long Beach didn't appear to be a community that soon would have big troubles. The city had been a popular seaside resort since shortly after the turn of the century; its beach was 5½ miles long. In the '20s it became a playground for Hollywood stars and vacationers from Iowa alike. There were bathhouses and roller coasters and beauty pageants and 5-cent popcorn and a big heated pool. "Coney Island of the West," Long Beach was called then.

In 1921, along came another bonanza: oil! A forest of derricks reached for the sky and Long Beach became a boom town. In 1939, more oil was discovered offshore. Great private fortunes were made and the public treasury was continuously enriched by royalty revenues. Even a severe earthquake in 1933 did not seriously dampen Long Beach's reputation as a good-time town. The city just swept up and rebuilt.

Then came World War II and another form of prosperity: high employment and big payrolls. A giant U.S. Navy base and shipyard employed 40,000 workers. Douglas Aircraft, now McDonnell Douglas, produced nearly 10,000 warplanes in four years. Thousands of Rosie-the-Riveters struck it rich on overtime and an affluent Long Beach population began a migration to the suburbs.

True enough, some seeds of decay were becoming visible in the old inner city. The famous beachfront boardwalk and "Pike" amusement park, which had boomed in the '20s and '30s, were rundown. Prostitutes and grimy tattoo parlors marred once-elegant old Ocean Boulevard and reflected the town's long-time role as one of the Navy's favorite liberty ports. But if Long Beach wasn't exactly a model American city in the late '50s, neither was it in disgrace.

The real big troubles came in 1973-1974 when many ships and a large percentage of the personnel left the huge navy base and the aircraft industry went into a slide. Payrolls disappeared, unemployment shot up, and Long Beach became a pocket of deep depression.

There had been one brief shining moment in 1967 when the city, with what seemed a spasm of optimism, bought the grand old Cunard liner, *Queen Mary,* and moored her in the harbor as a floating hotel and tourist attraction. But even this bold move was doomed to fail in its purpose. Public criticism of the $3.45 million spent on the old ship was strong and, besides, as a money-making enterprise, the *Queen* was a flop. Suddenly, it seemed, Long Beach couldn't do anything right.

The turnabout in the city's fortunes came with the 1975 election by the city council of a new mayor, Dr. Thomas J. Clark (an optometrist), the 1977 appointment of John Dever as city manager, and the subsequent overthrow of a provincial political establishment. One of the first major steps was the formation of a Downtown Redevelopment Agency charged with saving 421 acres of community heartland from terminal decay. It seemed a big order, especially when Douglas had just laid off 30 percent of its workers in the first few months of 1975.

"There was only one way to go then," says Ronald Winkler, one of the city's development officers. "Up!"

It's been Up ever since. Today, Long Beach is being called a "renaissance city," its downtown has acquired a new look and a new skyline, temporarily vacant lots mark the demolition of many slum blocks, new hotels are opening and new industries are coming to town. More than $1.2 billion in new construction is underway, a figure that is expected to rise to $3 billion by 1990. Seven shining new commercial buildings have been completed in the past three years. They stand side by side with much Victorian and Art Deco architecture that has been intelligently preserved and lovingly restored. Condominiums designed to sell for up to $500,000 have been put on the drawing boards by confident developers.

The Navy has reopened its shipyard facilities (where the battleship *New Jersey* was refitted) and has shelved plans to completely close the base. The Port of Long Beach is the busiest on the West Coast and expects to become the largest port in North America by the end of this decade.

Even the old *Queen Mary* has come under new management and, after a $20 million refurbishing, is now a shining and impeccably maintained symbol of Long Beach ascendant.

Although high-tech industry, strong regional banking, world-class port facilities, busy factories and a revitalized navy yard are all essential to a health recovery in Long Beach, it is the city's return to respectability as a first-class tourist and convention destination that has probably done most for its new look and its new spirit. It isn't the Coney Island of the West any more (and doesn't want to be), but neither is it being called Dullsville-by-the-Drink, as it was for many years. A visit to Long Beach can be fun these days.

The first important step in bringing vacation and convention visitors back to Long Beach was the construction of a Convention and Entertainment Center on the water front in the middle of town. This $51.5 million project incorporated an existing 14,000-seat sports arena and added a 90,000-square-foot exhibit hall, a handsome 3,100-seat theater for concerts and opera and a more intimate 842-seat theater-in-the-round. (The Civic Light Opera presents three musicals a year; the Long Beach Symphony is in its 49th season.) This modern complex not only gives the city an essential facility for both business and enterainment, but it also provides the downtown area with a dramatic architectural centerpiece.

The 1984 Olympic fencing preliminaries and finals will be held in the Convention Center's Terrace Theater this summer. (Other Olympic events to be held in Long Beach are yachting, volleyball and archery.)

Another waterfront development that has quickly become a busy tourist area since its grand opening last June is Shoreline Village, a seven-acre, $7.5 million dining-shopping-and-entertainment complex with a turn-of-the-century Pacific Coast architectural theme.

Artistic centerpiece of Shoreline Village is surely the fully restored 1906 carousel with 62 ornate, hand-carved animals (50 horses, four camels, four giraffes and four rams), said to be one of the largest ever built.

Adjacent to Shoreline Village is the city-developed Downtown Shoreline Marina where 1,694 boat slips are available for local and visiting yachtsmen. (It has been fully booked since opening day.)

Hotel development has kept pace with the flowering of Long Beach. Both Hilton and Holiday Inn are operating and the opening of the $58 million, 542-room Hyatt Regency last year made a brilliant architectural addition to the city's reborn waterfront. This 16-story beauty with its mirrored, green-glass façade and surrounding five-acre reflecting lagoon is the city's first new luxury hotel of the renaissance. Ramada, Sheraton and others are expected to follow.

Another landmark in the mix of old and new that preserves Long Beach's nostalgic appeal is the famous old Breakers Hotel. It fell on hard times with the rest of the downtown area, but is now being completely refurbished. This 1926 property was one of the playgrounds of the stars in the city's heyday, a place where Clark Gable and Carole Lombard might have been spotted without causing much of a stir. Conrad Hilton bought the 270-room Breakers before World War II and Elizabeth Taylor and first-husband Nicky Hilton kept a suite on the top floor.

At a watery little enclave called Naples, just up the beach from downtown, an enterprising young man named Michael O'Toole operates what he says are the only gondolas for hire in the U.S. That it is Venice, not Naples, that has the canals in Italy doesn't seem to matter to this happy Irishman. His distinctly non-Venetian craft has already earned "Otoolini" (as his card says) much publicity, a modest income and the need to enlarge his former one-gondola fleet.

Naples is a half-square-mile, three-island community, a former tidelands that was drained in 1905 by a network of manmade canals and which soon became an exclusive residential suburb of Long Beach. A nesting of expensive homes now clings to the edge of the canals and pricey boats are moored at each front door. There is not a house in sight that would sell for less than half a million—or $750,000 for better locations on Treasure Island. It is through this labyrinth of wealth and beauty that Gondolier O'Toole guides his clients, up to six at a time, for a modest fee.

Bring your own wine, the boatman (correctly attired in bell bottoms and a straw skimmer) supplies bread, cheese and grapes—plus the soaring sounds of Pavarotti from a hidden tape-deck. It's a dreamy, escapist way to remember the past, look into the future—and to celebrate the Long Beach renaissance.●

OKINAWA MEMORIAL DRIVE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. COURTER. Mr. Speaker, I would like to take this opportunity to recognize a group of U.S. Marine Corps veterans who are working on a project to build a joint memorial with the Japanese to pay tribute to the 140,000 persons killed in the World War II battle for Okinawa.

Working in conjunction with Japanese veterans, the group plans to erect a 3-dimensional 25-foot-high monument of Okinawan stone on Kotbuki Hill south of Naha City, Okinawa, where 1,612 marines, 4,500 Japanese, and 400 Okinawan civilians lost their lives. Overall, 12,520 Americans, and more than 100,000 Japanese were killed during the 82-day battle.

Leading the memorial campaign for the Marines is Edward (Buzzy) Fox of Union Township, N.J., who was a private in a machinegun platoon with the 6th Marine Division in Okinawa. Yoshio Yazaki, a member of the Japanese Navy during World War II, will be heading the joint venture for Japan.

The American-Japanese shrine will honor both countries' war dead, and hopefully, ease some of the pain still felt on all sides from this devastating battle.

The Sixth Marine Division memorial fund has been established to help raise the $100,000 needed to finance the project which has a completion date slated for the fall of 1984.

It is a long-awaited tribute to patriotic heroes who gave their lives for our country.●

EXPORT ADMINISTRATION ACT

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. BONKER. Mr. Speaker, at midnight tonight the current extension of the Export Administration Act expires, and unless Congress acts to set a new date the President will be without authority granted in the act to maintain export controls for foreign policy and national security reasons and on materials in short supply. The Export Administration Act is the President's basic authority to apply economic sanctions or deny export licenses. He will undoubtedly invoke the International Emergency Economic Powers Act (IEEPA) as an interim measure until Congress renews the act, although his use of that authority in these circumstances is legally questionable.

Mr. Speaker, as you know, the House on October 27, 1983, passed the Export Administration Amendments Act of 1983, and we have been prepared to go to conference since then in order to conclude our work on this important legislation. The Senate, however, just recently acted on similar legislation, which has caused a 5-month delay in convening a conference and is 6 months beyond the original expiration date of the current law. The House has acted to extend temporarily the Export Administration Act no fewer than five times during that period, and on three occasions the Senate also acted and the bills were signed into law. During the lapse of the Export Administration Act, authorities from October 14 to December 5, 1983, the President invoked the International Emergency Economic Powers Act.

I recognize the risk of not extending the Export Administration Act for it places in doubt the maintenance of export controls in a number of areas, particularly on items that have national security significance. However, in good conscience I cannot request yet another extension without a good faith effort to convene a conference. Hopefully, our reluctance to extend will help to move both sides to begin the difficult task of reconciling the major differences that exist between S. 979 and H.R. 3231. I foresee only a short-term disruption of the current law, and no interruption of our Nation's export control program.

I am hopeful the House-Senate conference on the Export Administration Act will begin next week, at which time I will recommend an extension to allow ample time for the Congress to send a bill to the President.●

TRIBUTE TO THE WYOMING VALLEY CRIPPLED CHILDREN'S ASSOCIATION

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. HARRISON. Mr. Speaker, I rise today to pay tribute to the Wyoming Valley Crippled Children's Association, a private nonprofit organization, is a member agency of the Wyoming Valley United Way and an affiliate of the Pennsylvania and National Easter Seal. This fine agency actually had its beginning in 1923 when members of the Wilkes-Barre Rotary, Luzerne County Medical Society, and other community-minded individuals expressed a desire to help handicapped children. By 1924, the association was officially organized by rotary members and regular orthopedic clinics were being conducted under the supervision of Dr. Harry A. Smith, assisted by Dr.

J. Terrence Rugh, Dr. Louis W. Jones and other consultants.

In 1931, at the invitation of Dr. Charles Miner, president of the board of the Kirby Memorial Health Center, the association moved into its present quarters. Applicants for service presented a broad range of needs not readily met by other existing agencies. Consequently, additional services were developed in an attempt to more fully meet these needs.

Throughout these many years, the association has grown both in number of staff and comprehensiveness of program. Current services include: medical evaluation, orthopedic clinic, cerebral palsy clinic, seizure control clinic, early identification and intervention program for developmentally delayed, occupational therapy, casework, infant stimulation, and a preschool program, advocacy, water safety and swim program, parent and professional education, resident and day camp, equipment loan, braces and appliances, transportation, information, referral and follow-up, and a special department of health project for children who are disabled and receiving supplemental security income.

Reflecting on the early years, we see that many of the children who were assisted by this agency, had orthopedic problems resulting from polio, osteomyelitis, cerebral palsy, and conditions which may have gone unreported until the latter phase of their formative years. As medical and other personnel impressed the public with the importance of identifying and treating disabling conditions early, the median age of their caseload dropped steadily.

Although polio and tuberculosis were brought under control, the demand for service did not subside because other types of handicaps were being referred. This adaptation to the needs of special children, particularly those needs not met by existing programs, has resulted in the evolvement of this agency into what they are today.

I know that I and the residents of my district look forward to fulfillment of future needs by the dedicated staff and volunteers of this life-giving agency. The Wyoming Valley Crippled Children's Association, with the help and direction of individuals, clubs, businesses, and public and private organizations throughout the entire community will, I am sure, continue to provide much needed care and other vital services to the fortunate people of the Wyoming Valley.●

POLITICAL MONEY AND POLITICAL ADVERTISING

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. CONABLE. Mr. Speaker, during the past two decades—ever since the advent of television as the primary source of public information and entertainment and as the primary medium in the conduct of political campaigns—the cost of conducting campaigns for Federal office has risen dramatically. In 1960, the total campaign costs for all races was $175 million. In 1980, it was $1.2 billion.

In 1972, the average cost of a candidate's campaign for U.S. House of Representatives was $39,942. In 1982, it was $158,000. In 1972, the average cost of a campaign for U.S. Senate was $368,656. In 1982, it was more than $1 million. In constant dollars, the cost of campaigning has tripled since 1960, doubled since 1972. It is estimated that this year, 1984, in one senatorial race in the State of North Carolina, more than $20 million will be spent by the candidates.

Much of this increase in campaign costs is directly attributable to the increased use of television advertising in political campaigns. While the method of reporting campaign expenditures to the Federal Elections Commission makes accurate figures on campaign spending for television advertising difficult to retrieve, the relationship between increased campaign costs and increased expenditures on television advertising is inescapable.

Whereas media costs averaged between 20 and 40 percent of the average campaign budget before television, they now occupy, in those races in which television is relevant, between 60 and 75 percent of similar budgets now. While the overall increase in campaign spending in general elections has doubled since 1972, the amount spent on television advertising has increased fivefold. In response to demand, the cost of purchase of 1 prime time minute of network television has increased from $40,000 in 1972 to $100,000 in 1982 and in some local media markets the increase in prime time advertising markets has increased as much as fifteenfold.

These inseparably related problems—the rise in campaign costs caused by the increasing and unregulated use of television advertising—have spawned a number of serious problems for the conduct of American politics and effective governance. It is becoming increasingly difficult for those who are neither rich nor have access to great individual or interest group wealth to compete for public office.

Perhaps of equal importance is the degree to which the increasing dependence on television advertising for the conduct of political campaigns—and especially the increased use of produced 30-second and 1 minute spot advertising—undermines the quality of our debate on public issues, the necessary cohesion of our political institutions and public attitudes toward the political enterprise as a whole.

It is no secret that since the advent of television as the primary staple of communications and campaigning, and despite a general liberalization of laws governing registration and access to voting, voter participation has diminished. While there are no studies to show a direct causal relationship, it is likely that some of this is attributable to transforming the average citizen from an active participant in the political process into a spectator-consumer of televised messages.

These messages have replaced, with some exceptions, substantive debate. Political campaigns are increasingly competitions between political consultants rather than political candidates. Talking cows have replaced talking candidates. Actor playing parts have replaced the public's right to know the real actors in our politics. The consultant industry has, in many cases, supplanted the political party as the point of entry into politics, leading to the weakening of political parties not only in the selection of candidates and conduct of campaigns, but also in their ability to form a coherent consensual program or discipline membership for its achievement.

As television campaigning has grown and as the increased use of the 30-second and 1-minute spot advertisement has become the primary staple of campaign advertising, techniques have become more sophisticated. Such advertisements have become more effective in their emotive impact, while not necessarily contributing to the public's understanding of the issues at stake. Because these advertisements are addressed to the public's emotions rather than their minds, they are virtually unanswerable without resort to equally emotive advertisements. And because much of the emotions generated are negative, such advertisements tend to denigrate the political enterprise as a whole.

It is to address at least some of these problems that I am today introducing a bill for myself and Mr. MCHUGH which would establish a uniform format for political television advertising of less than 10 minutes in length in campaigns for Federal offices. This bill will also be introduced today in the Senate by Mr. INOUYE and Mr. RUDMAN.

This bill is consonant with existing campaign law and recent court decisions insofar as it will allow anyone

who wishes to—candidate, candidate committee, party, individual, or independent action group—to buy whatever television time they wish to say whatever they wish to say. It would only restrict the manner of their presentation.

The bill, an amendment to the Federal Election Campaign Act of 1971, as amended subsequently, would require that the purchaser of such advertisements, or his identified designee, speak to the camera for the duration of the advertisement. It would restrict the backgrounds of such advertisements to such nonprerecorded materials as can be captured through the same lens as is photographing the speaker.

It would require as written material on each ad an identification of the speaker and of the individual or committee paying for the ad and would permit such additional written material the purchaser chooses to include limited to the identification of the party or the candidate in question, whether he or she is seeking election or reelection, a solicitation of funds, and such visual devices needed to make the advertisement intelligible to the hearing impaired.

It provides injunctive relief against those who violate these structures as well as civil punitive relief consistent with violations of any other part of the Federal Election Campaign Act.

Why this step? This bill, if passed, would have a number of salutary results. It would permit the public to see the candidate, parties, and interests from which they are being asked to choose. It would bring comparatively rational discussion to political debate and thus enhance intent of the first amendment.

It would make the purchasers of such ads directly and personally responsible for their content and thus especially the negative attacks on their opponents, and by so doing at least temper the nature of attacks.

It would likely reduce campaign costs by reducing advertising production costs, by reducing the desirability of negative advertising in television, and by reducing the impulse to use television advertising as the sole means of campaigning.

It might, by virtue of this, free some campaign funds now going to television to be used for campaign activities that will reinvolve people. And it will likely reduce the power of the consultant industry to the benefit of the political party and other institutions of political cohesion.

I view this bill as an incremental measure which might address at least some of the problems that our present mode of campaigning has created without attempting in one measure to address all of those problems.

I also believe it is consonant with both the letter and intent of the first amendment to the Constitution of the United States. For what we are seeking to do is enhance speech and dispense with gimmickry, provide the public information and reduce manipulation, increase and enhance content while regulating only the manner of presentation. Every other democracy in the world has some regulation on political advertising as to either time or manner.

This bill is a reflection of one of the central problems of our age—that not all technological progress should necessarily be seen as human progress, and that it is a task of government to help sort out what is and what is not in its areas of responsibility. To this end, in view of the mixed blessings of television on our political process, this bill represents a modest attempt to advance the quality of information available to those who must make the significant decisions about representation in our democracy.●

LIVING WITH REVOLUTION: FOREIGN POLICY VIEWS OF SENATOR FRANK CHURCH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. LANTOS. Mr. Speaker, Senator Frank Church served as a distinguished Member of the U.S. Senate for 24 years—from 1956 to 1980. During his last 2 years in office, he was chairman of the Senate Foreign Relations Committee. I had the privilege of working with him on many issues during that time. I admire and respect him both as an individual and as a dedicated public servant.

The Washington Post recently published an article by the Senator regarding current U.S. policy toward Central America. Since this issue is one under active consideration in the Congress at present, I ask that Frank Church's article be printed in the RECORD. It deserves our attention.

WE MUST LEARN TO LIVE WITH REVOLUTIONS

IF THE UNITED STATES CAN BEFRIEND CHINA, IT CAN ACCEPT NICARAGUA

America's inability to come to terms with revolutionary change in the Third World has been a leitmotif of U.S. diplomacy for nearly 40 years. This failure has created our biggest international problems in the postwar era.

But the root of our problem is not, as many Americans persist in believing, the relentless spread of communism. Rather, it is our own difficulty in understanding that Third World revolutions are primarily nationalist, not communist. Nationalism, not capitalism or communism, is the dominant political force in the modern world.

You might think that revolutionary nationalism and the desire for self-determination would be relatively easy for Americans—the first successful revolutionaries to win their independence—to understand. But instead we have been dumbfounded when other peoples have tried to pursue the goals of our own revolution two centuries ago.

Yes, the United States generally has supported political independence movements, as in India or later in Africa, against the traditional colonial powers of Europe. Those situations were easy for us—we've never been colonialists. But where a nationalist uprising was combined with a Marxist element of some kind or with violent revolutionary behavior, Americans have come unhinged.

This happened most dramatically in the biggest tragedy of American diplomacy since World War II, Vietnam. But it has happened repeatedly in other countries as well, most recently in Nicaragua and El Salvador.

Given the size and the seriousness of our failures to deal successfully with nationalistic revolutions, you might think we'd be busy trying to figure out why we've done so badly, and how we could do better in the future. But on the contrary, we simply stick to discredited patterns of behavior, repeating the old errors as though they had never happened before.

The latest example is the report of the Kissinger Commission on Latin America, which painted events in Central America in ominously stark colors. The commission said that in principle America can accept revolutionary situations, but in Nicaragua and El Salvador we cannot. Why? Because of Soviet and Cuban involvement.

But the sad fact is that the Soviets will always try to take advantage of revolutionary situations, as will the Cubans, particularly in this hemisphere. To solve our problem we have to learn to adapt to revolutions even when communists are involved in them, or we will continue to repeat the errors of the last four decades.

Revolutionary regimes are not easy to live with—particularly for a country as conservative as the United States has become. As Hannah Arendt—no Marxist herself—noted in her classic work, "On Revolution," the United States has made a series of desperate attempts to block revolutions in other countries, "with the result that American power and prestige were used and misused to support obsolete and corrupt political regimes that long since had become objects of hatred and contempt among their own citizens."

Why does America, the first nation born of revolution in the modern age, find it so difficult to come to terms with revolutionary change in the late 20th century?

One answer involves the nature of our own revolution. It was essentially a revolt against political stupidity and insensitivity. With sparsely populated, easily accessible and abundant lands, the restless and dissatisfied in early America had an outlet for their discontent. The young United States never had to deal with the limitless misery of an impoverished majority.

In the first half of this century, when the country faced sharpened class conflict as a result of the excesses of an unbridled capitalism, we were blessed with patrician leaders, Theodore and Franklin Roosevelt, who had the foresight to introduce needed reforms. An intelligent, conservative property-owning class had the sense to accept them.

But our experience is alien to other countries which do not share our natural wealth. In poor countries a desperate majority often lives on the margin of subsistence. A selfish property-owning minority and, often, an indifferent middle class intransigently protect

their privileges. Dissidence is considered subversive. It isn't surprising that those who seek change resort to insurrection.

They take their lead not from the American, but from the French revolutionary tradition where, in Arendt's phrase, the "passion of compassion" led the Robespierres of the time to terrible excesses in the name of justice for the impoverished masses.

The spectacle of violent, sometimes anarchic revolutionary activity combined with an obsessive fear that revolutions will inevitably fall prey to communism has led us to oppose radical change all over the Third World, even where it is is abundantly clear that the existing order offers no real hope of improving the lives of the great majority. As a result, those who ought to be our allies—those who are ready to fight for justice for the impoverished majority—find themselves, as revolutionaries, opposed not only to the ruling forces in their own societies, but the United States.

I am not arguing that revolutions are romantic or pleasant. History is full of examples, from France to Iran, of revolutions born in brutality and often accompanied by extended bloodbaths of vengeance and reprisal, and which ultimately produce just another form of authoritarianism to replace the old. But the fact that we may not like the revolutionary process or its results is, alas, not going to prevent revolutions. On the other hand, the fact that revolutions are going to happen need not mean disaster for the United States. Our past failures do suggest a way we can adapt to revolutions without fighting them or sacrificing vital national interests.

Consider the case of Vietnam. Our overriding concern with "monolithic" communism led us grossly to misread the revolution in that country. Ignoring centuries of enmity between the Vietnamese and the Chinese, our leaders interpreted a possible victory for Ho Chi Minh's forces as a victory for international communism. The war against the French and then the war among the Vietnamese in our eyes became a proxy war by China and the Soviet Union even after those two powers had split, destroying the myth of "monolithic" communism. Indochina, in the new American demonology, was seen as the first in a series of falling dominoes.

Vietnam did fall to the communists, but only two dominoes followed—Laos and Cambodia, both of which we had roped into the war. Thailand, Malaysia and Indonesia continue to exist on their own terms. The People's Republic of China, for whom Hanoi was supposed to be a proxy, is now engaged in armed skirmishes against Vietnam.

Meanwhile, the United States, having been compelled to abandon the delusion of containing the giant of Asia behind a flimsy network of pygmy governments stretched thinly around her vast frontiers, has at least shown the good sense to make friends with China. American influence, far from collapsing, has drawn strength from this sensible new policy, and has been rising ever since. As for communism taking over, it is already a waning force. The thriving economies are capitalist: Japan, South Korea, Taiwan, Hong Kong, Singapore. You don't hear Asians describing communism as the wave of the future.

If any lessons were learned from our ordeal in Southeast Asia, they have yet to show up in the Western Hemisphere, where our objective is not simply to contain, but to eradicate communism, regardless of the circumstances in each case. In pursuit of this goal, we took heed of one restraint. The legacy of resentment against us still harbored by our Latin neighbors, stemming from the days of "gunboat diplomacy," made it advisable, wherever feasible, to substitute "cloak and dagger" methods—covert instead of overt means.

Hence the American-sponsored coup to oust a democratically elected government in Guatemala in 1954. The ousted president, Jacobo Arbenz, was by American standards, a New Deal liberal. But our cold warriors of that era decided he was a red threat. As U.S. Ambassador John Peurifoy, arriving in Guatemala on his special mission, put it: "If Arbenz is not a communist, he will do until the real thing comes along."

In Cuba, the United States spared no effort to get rid of Fidel Castro. We financed and armed an exile expeditionary force in an attempted repeat of the Guatemalan coup, only to see it routed at the Bay of Pigs. Then the CIA tried repeatedly to assassinate Castro, even enlisting the Mafia in the endeavor; and the United States imposed against Cuba the most severe trade embargo inflicted on any country since the end of World War II.

Even where the left gained power in fair and open elections, the United States has been unwilling to accept the results. Hence the Nixon administration's secret intervention in Chile aimed first at preventing the election of and then at ousting President Salvador Allende.

Despite these and other efforts by the United States, another Marxist regime did arise in the hemisphere: Nicaragua. And, true to form, the United States has again financed, armed and promoted an exile army whose objective is its overthrow.

After spending billions of dollars, and emptying the CIA's bag of dirty tricks, what do we have to show for our efforts? Obviously, the hemisphere has not been swept clean of communism. Cuba and Nicaragua have avowedly Marxist regimes; in El Salvador, an insurrection gains momentum against an American-trained and equipped army, despite an American-sponsored agrarian reform program and our hopes for the election of a reformist president and legislature. The result defies our grand design: the army fights indifferently; the agrarian reform is stymied, and the Salvadoran middle class and traditional landed interests remain determined to elect extreme rightists to the important legislative and executive positions.

By our unrelenting hostility to Castro, we have invested him with heroic dimensions far greater than would be warranted by Cuba's intrinsic importance in the world. We are in the process of performing a similar service for the commandantes of Nicaragua and, at the same time, discrediting the legitimate domestic opponents of their political excesses. We have left Cuba no alternative to increased reliance upon Russia, and we now seem determined to duplicate the same blunder with Nicaragua.

So by any standard, American policy has failed to achieve its objective; to inoculate the hemisphere against Marxist regimes. But are we fated to cling to the disproven policy of opposing each new revolution because of Marxist involvement, even though the insurgents fight to overthrow an intolerable social and economic order?

By making the outcome of this internal struggle a national security issue for the United States, as the Kissinger Commission does, we virtually guarantee an American military intervention wherever the tide turns in favor of the insurgents. If this happened in El Salvador, it would be difficult to imagine that the present administration would stop before it had gone "to the source," Nicaragua or even Cuba. In the process, of course, we would fulfill Che Guevara's prophecy of two, three, many Vietnams in Latin America.

We should stop exaggerating the threat of Marxist revolution in Third World countries. We know now that there are many variants of Marxist governments and that we can live comfortably with some of them. The domino theory is no more valid in Central America than it was in Southeast Asia. And it is an insult to our neighbor, Mexico, for it assumes that Mexico is too weak and unsophisticated to look out for its own interests.

We repeatedly ignore the explicit signals from Marxists in Central America that they will respect our concerns. For example, we worry that the commandantes in Nicaragua will invite the Soviets or the Cubans to establish bases in their countries. Yet, the Sandinista government in Nicaragua has explicitly committed itself not to offer such bases to the Russians or Cubans. Instead, they have offered to enter into a treaty with the United States and other regional countries not to do so. And the political arm of the insurgents in El Salvador has also committed itself to no foreign bases on its soil.

Why not take them up on these commitments? The United States, with the help of other regional powers who share our interests, including Venezuela, Mexico, Colombia and Panama, has the means to ensure that the revolutionaries keep their word. If Nicaragua violated its treaty obligation to those states, the United States would have legal grounds and regional sanction for taking action.

If the threat of communist bases is real, then a negotiated agreement precluding them would surely be perceived as a "victory", for the United States and a "defeat" for the Russians. And with a Nicaraguan treaty agreement with the United States and the countries of the region, the Salvadoran insurgents, should they prevail, would surely follow suit.

Although the Nicaraguan revolution has followed classic lines, in comparative terms it has been relatively moderate. There has been no widespread terror, and the regime has shown itself sensitive to international pressure. If we cannot come to terms with the Nicaraguan revolution, then we probably are fated to oppose all revolutions in the hemisphere.

The problem is illustrated in human terms by a vignette of the Kissinger Commission in Nicaragua. According to press accounts, the members of the commission were angered by the confrontational tone of the meetings with the Nicaraguans and their obvious reliance on Soviet and Cuban intelligence.

Imagine the setting: The commission arrives in Nicaragua one week after the *contras*, supported by the United States, blow up a major oil facility. On the one side, a largely conservative commission led by Henry Kissinger, Robert Strauss, William Clements and Lane Kirkland, men in their late 50s or 60s, expecting to be acclaimed for their willingness to listen to the upstart revolutionaries. On the other side, peacock-proud Nicaraguan *commandantes* in their 30s or early 40s, men and women, who had spent years fighting in the mountains, who had seen their friends and comrades die at their side in opposition to the U.S.-support-

ed Somoza dictatorship, and naturally resentful of U.S. support of the counterrevolution. To them, a commission led by Kissinger, architect of the campaign to destabilize Allende, had to be seen as a facade for the American plan to bring them down. Is it a wonder there was no meeting of minds?

Whoever gains power in Central America must govern. And governing means solving mundane problems: the balance between imports and exports, mobilization of capital, access to technology and know-how. The United States, the Western European countries and the nearby regional powers, Colombia, Mexico and Venezuela, are the primary markets and sources of petroleum, capital and technology. The social democratic movements in Western Europe are important sources of political sustenance for revolutionary movements in Central America.

If we had the wit to work with our friends and allies rather than against them, the potential abuses and exuberance of revolution in Central America can be contained within boundaries acceptable to this country. There is no reason to transform a revolution in any of the countries of Central America, regardless from where it draws its initial external support, into a security crisis for us.

The objective of U.S. policy should be to create the conditions in which the logic of geographic proximity, access to American capital and technology and cultural opportunity can begin to exert their inexorable long-term pull. Russia is distant, despotic and economically primitive. It cannot compete with the West in terms of the tools of modernization and the concept of freedom.

But if we insist on painting the Cubas and Nicaraguas of this world—and there will be others—into a corner, we save the Russians from their own disabilities. If, on the other hand, we were to abandon our failed policy and adopt the alternative I suggest, pessimism might soon give way to optimism. After a while, democracy may begin to take root again. The wicked little oligarchies, no longer assured American protection against the grievances of their own people, may even be forced to make the essential concessions. The United States and Cuba might be trading again, joined in several regional pacts to advance the interests of both. And Marxist governments, far from overtaking the hemisphere, will be lagging behind as successful free enterprise countries set the standard.

We will marvel at the progress in our own neighborhood, measured from the day we stopped trying to repress the irrespressible and exchanged our unreasonable fear of communism for a rekindled faith in freedom.●

MY ROLE IN UPHOLDING OUR CONSTITUTION

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. AKAKA. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Michael Woo, who submitted the winning speech from Hawaii in the Veterans of Foreign Wars' Voice of Democracy contest. Michael was one of the more than one-quarter million students who participated in this year's contest. His speech clearly typifies the theme, "My Role in Upholding Our Constitution," and it is my great pleasure to share it with you today.

Text of Michael Woo's speech follows:

1983-84 VFW VOICE OF DEMOCRACY SCHOLARSHIP WINNER, HAWAII WINNER, MICHAEL WOO

Freedom of speech, freedom of the press, freedom of assembly, freedom of religion. What do these freedoms mean? To most of us, they mean almost nothing; because many of us have never lived in a country where political oppression is prevalent, where no one has the right to participate in government let alone criticize it, where people are tortured and imprisoned just because they belong to the wrong religion, race, or political party. Imagine what it must have been like to be arrested and shoved into a concentration camps just because you happened to be Jewish. Think about how it felt to have to settle for second rate service and materials just because your skin color was darker than others.

We the people often take these freedoms for granted because we have no reason not to. We have lived with these privileges all our lives. What do we care?! I think its time that we do care. We must care, and each of us must take an active role in upholding these rights, in upholding the constitution. A great deal of thought, effort, and hard work went into the drawing up of the constitution and even more is required to keep the constitution alive today. We the people of the United States have absolutely no right to take the constitution for granted. After all, what kind of nation would the United States of America be if it weren't for the constitution?

We have a constitution which allows us to live in a country where we express our opinions and views freely without fear of being tortured or imprisoned or possibly executed, to enjoy privacy without fear of its violation, to have a direct voice in government, and which allows all individuals the right to equal treatment regardless of race, color, social stauts, income level, or sex. However, this good furtune and all these freedoms require my support. Rights and responsibilities go hand in hand. Therefore, if I want to enjoy my rights, I must accept the responsibility of upholding and defending my rights. A popular song in the 1960's proclaimed, "Freedom isn't free". These rights, this constitution need my support in several ways; I must defend my rights, exercise my rights, and protect the rights of others.

I must uphold the constitution by using and not abusing the rights bestowed upon me. For instance, using my freedom of expression in seeking only the truth, not advocating falsehoods, or, using my freedom of speech to, not just criticize the government, but to offer solutions as well.

The responsibility of upholding the constitution involves letting others to express their own news and opinions just as I do, even though their views may conflict with mine. I can protect the rights of others by speaking out against such things as discrimination, unfair labor practices, and poverty.

The Declaration of Independence declared that all men were created equal. The constitution was drawn up to insure that all men are treated equally, but the success of this document depends on each citizen of the United States upholding and supporting it by first recognizing, then exercising and defending the rights of the constitution. Thus, though I am only a grain of sand in a vast desert, the United States, I still have a big role in making sure all men are treated equally. I still have a role in upholding the constitution.●

A TRIBUTE TO MICHAEL B. NICKLE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. COURTER. Mr. Speaker, I would like to take this opportunity to honor Michael B. Nickle who has given 50 years of dedicated service to the Dover Volunteer Fire Department. Mike's career began May 9, 1934, and he has been an active member ever since, now serving with the Vigilant Engine Company No. 2.

Throughout the years, his courageous efforts have saved the lives of many making Dover a safer place to live. Mike's altruistic demeanor and driving spirit have touched the lives of many and have earned him the admiration and respect of friends, colleagues, and strangers alike.

Mike Nickle is an outstanding human being whose energy, integrity, and devotion to the job at hand have benefited the people of Dover.

I would like to congratulate this fine American for his 50 years of community service. He is certainly loved by many and greatly appreciated for his fine service with the Dover Volunteer Fire Department.●

EXPORT ADMINISTRATION ACT AMENDMENTS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. BONKER. Mr. Speaker, next week the Senate and House conferees will take up the Export Administration Act amendments and attempt to work out a number of differences that exist between the two bills. I remain optimistic that we can conclude our work on this vital legislation despite the difficult and complex issues involved.

Yet as Congress is in the final process of renewing the Export Administration Act, the President is proceeding to expand the present export control program.

In recent months, the administration has adopted a number of policy changes, through internal directives and memoranda of understanding, that possibly exceed authority granted in the current law and clearly goes beyond congressional intent. This has been disturbing, to say the least, for

Members of Congress on both sides who have painstakingly crafted an effective export control policy. It is frustrating for exporters who must comply with new and burdensome licensing procedures, and it is alarming to our allies and other free world countries who are directly affected by these changes.

Simply stated, the administration has acted in a callous manner and, I might add, in total disregard for the upcoming conference on the Export Administration Act.

Mr. Speaker, while it is not my custom to insert in the CONGRESSIONAL RECORD a speech I have given, I would like to share with my colleagues concerns I have about this matter that were outlined in an address before the Washington International Trade Association on March 26, 1984.

The speech follows:

ADDRESS BY REPRESENTATIVE DON BONKER

WITA's meeting on export control policy is timely, given the fact that the Senate and House conferees are about to take up amendments to the Export Administration Act. This law, as you know, is the President's basic authority for applying export controls for foreign policy and national security purposes.

Yet even as Congress is rewriting the Export Administration Act, the Executive Branch is already writing its own export control program, oblivious to congressional intent. New and bold initiatives, notably by the Department of Defense, are considerably beyond authority given to the Executive Branch in the present act. To those of us in the Legislative Branch who have devoted an entire year considering this legislation, the reports of what is going on inside the Administration are indeed disturbing.

Let me cite some recent developments.

(1) Directive 2040.2 (January 17) is an internal document which asserts greatly expanded DOD authority in export control policy and licensing. This new directive transfers export licensing from the Office of Undersecretary for Research and Engineering to the Assistant Secretary for Defense Policy, and establishes the International Technology Transfer Panel to coordinate positions and oversee export license applications. Already the idea is to legitimize DOD's review authority on technology transfer questions on a case-by-case basis, and to extend this internal authority to include foreign policy as well as national security matters. It also inserts DOD into the State Department's negotiations on multilateral control issues by assigning a full time Pentagon official at the COCOM office in Paris.

The best that can be said about this document is that it has no legal basis in current law. Congress recognizes DOD only for the purpose of joint reviews of licenses to export national security items to proscribed destinations, and anything beyond that is on shaky grounds.

(2) Department of Commerce proposed revisions of Distribution License Policy. Distribution licenses allow exporters to make multiple shipments over an extended period under a single license. Currently 700 such licenses eliminate the need for exporters to obtain over one million individually validated licenses per year.

On January 19, 1984, the Office of Export Administration proposed to amend the Distribution License procedure to remove certain commodities (like semi-conductor manufacturing equipment) from the multi-shipment list and require quarterly reports by foreign consignees on names of customers to whom they expect to sell their products which were purchased under a Distribution License.

The new policy exempts COCOM countries, but it singles out such friendly, but neutral, countries as Sweden, Austria, and Switzerland.

(3) President Reagan's endorsement of the Memorandum of Understanding, March 23, 1984. This latest policy apparently has been under review for over a year and attempts to define Defense and Commerce roles in the export control program. If you believe news headlines, it represents something of a major victory for DOD but the intense debate will continue within the Administration over who has the final word on what is or is not to be exported.

The Memorandum of Understanding gives DOD review authority on individual licenses in certain categories to twelve free world countries in cases where diversion is suspected. It is less clear, but certainly implied, that the Pentagon will exercise similar authority on distribution licenses in the future.

The agreement (which, incidentally has been endorsed by the President but not signed by Mr. Perle) also sets up a Monitoring Committee chaired by the NSC and involves at least six departments in the Executive Branch, to set forth criteria to assure that the program is satisfactorily administered and to decide on DOD's future role on licensing procedures.

There it all is. In the space of three months the Administration has all but rewritten the Export Administration Act, without consultation with Congress and the industry, and of course without hearings and much opportunity for comment from the public and our allies.

Some accuse the Congress of major changes in its revision of the Export Administration Act, but our craftsmanship is mild and artful compared to the Administration's emasculation of the program.

Well, I have a few thoughts and concerns about these recent developments, which I'd like to share with you.

(1) What the Administration has done is considerably beyond what the act allows, and is clearly beyond what Congress intended.

The Export Administration Act gives explicit responsibility to Commerce to administer the export control program. DOD's role in licensing is provided in a 1974 amendment which gives it joint review authority on shipments to communist countries, and the Department of State is designated to represent the United States at COCOM, and to advise the Secretary of Commerce on foreign policy controls.

There is no additional role for DOD, Treasury, OMB, NSC, and other departments who are now getting into the act. Congress certainly did not authorize such things, and since 1949 the Commerce Department has been the lead agency.

What is happening may be an old-fashioned turf battle with DOD the obvious winner. But my guess is that there is an ideological force shaping these new policies, that if left unchecked will greatly inhibit America's competitive position in the field of high technology.

I might add with some consternation that the Administration never presented these new policies to Congress, despite continous hearings and debate over the Export Administration Act. One can safely conclude that the Executive Branch was going its own way regardless of what Congress thought, intended, or attempted to accomplish in the Export Administration Amendments Act of 1984.

(2) These new policies are slowly creating an administrative nightmare, which will be cumbersome to administer and confusing to everyone save the bureaucratic technocrats.

For a President who prides himself in a mean and lean, efficient government, this program must be an embarrassment.

In 1982, the Administration set up Operation Exodus which has been funded by a $30 million DOD grant to Customs, effectively bypassing Congress. Now we have an expanded DOD role, new interagency committees, an endless series of regulations and directives which are bound to frustrate exporters and give windfall opportunities to attorneys.

You can forget efficiency, expedient licensing procedures, a degree of certainty and quick turn around time for applications, if these new procedures are implemented. This is a shame since Secretary Baldrige, to his credit, has capably improved and sped up processing of licenses—a vast improvement over the old days.

(3) Free world countries, notably our allies, are understandably alarmed over the new procedures. The futile use of foreign policy economic sanctions by two presidents greatly upset our closest friends—and we possibly can minimize that problem if contract sanctity is preserved in the bill.

But they have new fears in what they see emerging from conference and the new export control direction by this Administration. The Washington Post, in a recent lead article on the subject, told about the ". . . highly unusual lobbying campaign by our allies."

I have received letters from foreign governments and many of the embassies. I have also traveled abroad and heard first hand from world leaders on this issue.

Frankly, they are put out by our extraterritorial habits, proposed import controls, the lack of consultations, and overall benign neglect of their concerns and the need to cooperate on new export control procedures.

(4) To use a current phrase, "what's the beef" with the Department of Commerce? Under Secretary Baldrige, the program has improved dramatically in the past three years.

There have been no startling reports about bad licensing procedures, loose enforcement, lack of control. There are no revelations of Commerce failing, or even stumbling, in implementing the law. The VAX computer case, upon close scrutiny, shows Commerce as cautious and vigilant—the diversion problem occurred elsewhere.

On enforcement, Commerce has performed miraculously given its limited resources. These past few years, its enforcement budget has been under $5 million compared to $30 million for Custom's Operation Exodus program. Yet, despite the funding differences, Commerce's record has been much better.

You heard from Ted Wu today, so I need not say anything about toughness. He is as tough as they come, and if Commerce gets the increase we have recommended for enforcement, they will get the job done.

But the Administration persists in compromising their authority, and diffusing their program, and frustrating their efforts to implement the law.

(5) Our trade deficit is as tragic as the other deficit. It is obvious with a projected $100 billion trade deficit for 1984, something is wrong with our trade program.

We all know that our domestic economy is insufficient to meet our future growth needs and that we live in a fiercely competitive world, with Japan and other countries challenging America's preeminence in a number of areas.

Our choices are obvious—export more or go the way of protectionism. Congress is going down both paths.

The best course is to increase exports. With the exception of food and raw materials, the most sought after U.S. products abroad are high technology items. That is the future in trade, and it happens to be where we have a competitive edge.

But that holds true only so long as we can compete on an equal basis. The Administration's policies, if not checked, will impede our export potential. It is tough enough coping with the overvalued dollar, but trying to cope with rigid and confusing export procedures, may knock us completely out of the global market. And of course, like foreign policy controls will not succeed totally in stopping the so called "hemorrhage" of western technology. They will only curtail our own export opportunities which other nations enjoy access to new global markets.

No one takes issue with our national security needs. I certainly do not want to see us contribute to the military capability of adversary nations. But rather than try to control all forms of technology to all destinations, we should concentrate on preventing the transfer of militarily critical technology. That is what Congress intended all along. If the Administration would faithfully carry out all provisions of the Export Administration Act, we could achieve that goal.

If the new policies go in effect and are not checked by a newly enacted Export Administration Act, our government may well win the "security war" but lose the "economic war".●

HONORING PARENTS WITHOUT PARTNERS, INTERNATIONAL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. MILLER of California. Mr. Speaker, as chairman of the House Select Committee on Children, Youth, and Families, I want to remind all of us of the debt of gratitude owed Parents Without Partners, International. This all-volunteer group, now in its 27th year, has worked very hard to help single parents and their children.

Based on the recent studies issued by our committee, all of us now realize that the plight of the single parent is a major social factor that has been largely ignored in promulgating public policy, both here in Washington and in many State capitals.

But that situation clearly is changing, Mr. Speaker. Child care for working parents—single and married—is emerging as a major national issue. One out of every three white children, and three out of four black children, can expect to spend some of their childhood in a single-parent household. The 1990's will probably mark the first decade in which a majority of mothers with young children will be working. The scope of these social and economic changes is of a magnitude unparalleled in our lifetime.

One of the pioneer groups to focus on single parents and on their children is Parents Without Partners.

It is with a great deal of pride, then, that I call the attention of the House to the following proclamation, issued by the city of Concord in my own county of Contra Costa, Calif.:

PROCLAMATION

Whereas, Parents Without Partners, Int'l., Inc. is an international, non-profit, non-sectarian, non-ethnic, educational and social all-volunteer organization dedicated to the welfare and needs of single parents, regardless of cause, and their children, with a membership open only to single parents, and,

Whereas, Parents Without Partners, Int'l., Inc. is the largest international organization seeking to study and help the single parent who is raising children alone; and

Whereas there are many adjustments to be made in the lives of the parent and the children when the family unit dissolves; and,

Whereas, meeting place, programs developed for seeking solutions, discussions, seminars and professional speakers are offered as well as providing social activities for adults, for the children and for the family as a whole in the ever-ongoing need of individuals, whether it be the parent or the child; for the confirmation of love, support, understanding and acceptance; and,

Whereas, Parents Without Partners is in its 27th year with over 200,000 member in over 1,000 chapters throughout the United States, Canada, Australia, and New Zealand; with affiliations in Germany and England; and,

Whereas, many delegates from the three Regional Councils of Nor-Cal-Vada, Northern California and Mission Coast will be attending a Tri-Regional Conference on the weekend of March 16-18, 1984, and will be attending weekend of business meetings, luncheon, workshops, and evening social events; and,

Whereas, we are proud of the members of Parents Without Partners, Int'l., Inc. in these three Regional Councils which comes from the area from California and Nevada and wish to recognize and pay tribute to them on this weekend; and

Whereas, we wish to recognize the continuing efforts of this organization in furthering the aims and goals of single parents and their children;

Now, therefore, the City Council of the City of Concord, California does proclaim the weekend of March 16-18, 1984 as Parents Without Partners Weekend in our City and we give recognition to the accomplishments and extend our support to their worthwhile programming.●

BASELESS CHARGES?

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. OTTINGER. Mr. Speaker, Edwin Meese continues to react with shocked dismay to what he insists are the baseless charges of his financial and professional misconduct, yet he openly—and without apology—admits to violations of public disclosure laws. Moreover, he insists that the appointment to public office of close friends who loaned him substantial amounts of money is purely coincidental and above reproach.

For the press to put in writing what must leap to the mind of anyone hearing the string of coincidences which Mr. Meese defends is hardly character assassination, and I laud the attempts by the press to keep the questioning of Mr. Meese's conduct alive. It is conduct which, as the following article by Anthony Lewis points out, comes after a lengthy history of Reagan administration abuses of privilege, a history that has miraculously left no scars on its leader.

TEN BLIND MEESE

(By Anthony Lewis)

BOSTON, March 25.—The Edwin Meese affair throws light on a curious feature of the Reagan Administration. A number of its ranking officials, not only Mr. Meese, have had financial dealings of a kind that trouble the public but that evidently give them no feeling of wrongdoing. They seem insensitive—that is putting it gently—to traditional expectations of ethical behavior.

Consider Mr. Meese's remarks when he asked that a special prosecutor look into his conduct. He said he had been the victim of "baseless charges" and "systematic character assassination." But the basic facts of his financial dealings are not in dispute; Mr. Meese belatedly disclosed them himself. So his outrage must be directed at the idea that there is something wrong in what he did. What did he do?

On Jan. 7, 1981, 13 days before Mr. Meese moved into an office in the White House, his wife got a $15,000 loan—without interest—from a family friend, Edwin Thomas. The money was used to buy shares of stock for the Meese children. The Ethics in Government Act required Mr. Meese to list that loan on a financial disclosure form, but he "inadvertently" forgot to do so. Could he have forgotten because it was made so long ago—Jan. 7, 1981? Because it was so commonplace for him to get interest-free loans to buy stock for the children?

The lender, Mr. Thomas, was appointed Mr. Meese's deputy in the White House. Mrs. Thomas got a Federal job, too. So did their son Tad, 22 years old: a $16,559-a-year position in the Labor Department.

Four other people involved in loans or gifts to Mr. Meese also got Government jobs. Two of them were officers of a savings and loan association that at one point let Mr. Meese fall 34 payments behind on mortgage loans of more than $500,000.

Is it "character assassination" to think there is something questionable about those

admitted facts? On the contrary, most Americans would find it hard to believe that getting interest-free loans from a friend to buy stock, and having the friend, his wife and son end up in Government jobs, is so ordinary as to be forgettable.

But in the context of the Reagan Administration the Meese financial pattern may indeed be unremarkable. Benjamin Taylor of the Boston Globe ran down the record the other day.

Thomas C. Reed, who was deputy national security adviser to the President, was forced to resign when the S.E.C. found that he had made $427,000 on a $3,125 investment based on inside information.

Max Hugel, deputy director of the C.I.A., resigned when faced with allegations of fraudulent stock dealing before he entered government.

Paul Thayer, deputy Secretary of Defense, resigned when the S.E.C. brought a proceeding charging him with illegal insider trading.

Guy W. Fiske, deputy Secretary of Commerce, resigned after allegations that he was negotiating to sell U.S. weather satellites to a company with which he was seeking a job.

Robert P. Nimmo, head of the Veterans Administration, resigned and paid back $6,441 for improper use of his official car.

Richard Allen, President Reagan's first national security adviser, resigned when found to have accepted $1,000 and three watches from representatives of a Japanese magazine for whom he arranged an interview with Nancy Reagan.

At the Environmental Protection Agency the administrator, Anne Burford, resigned over policy failures, and the assistant administrator, Rita Lavelle, was convicted of perjury; two others resigned over financial matters: Matthew Novick, inspector general, who allegedly asked EPA employees to work on personal business for him, and James Sanderson, adviser to Mrs. Burford, who participated in agency decisions that benefited corporations he represented.

Two high officials remain in their jobs although they were forced to conform their financial behavior to ethical standards.

William J. Casey, Director of Central Intelligence, traded more than $3 million in shares in the stock market while in office. Only when senators complained of his behavior did he follow the usual practice of putting his holding in a blind trust.

William French Smith, Attorney General, agreed to limit a huge tax write-off he expected from a tax-shelter investment, and he was forced to return a $50,000 severance payment from a company on whose board he had served. Lately his own Justice Department reportedly investigated charges that his wife misused an official limousine for personal trips, and he has repaid the Government for the cost.

It is an astonishing record of sleaziness, of casual disregard for the proprieties of public life. There has been nothing like it in Washington for years: such a parade of public men seeking private gain.

The other remarkable thing about it is the attitude of the President who appointed the greedy men to office. Has there been a word of regret from Ronald Reagan, a word to remind his Administration that those who hold office must be beyond suspicion? As in so many other areas, he has slipped away from responsibility.●

RETIREMENT OF GEORGE WEISSMAN, CHAIRMAN AND CHIEF EXECUTIVE OFFICER OF THE PHILIP MORRIS CORP.

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. GARCIA. Mr. Speaker, I would like to draw my colleagues attention to a March 27, 1984, article in the New York Times recognizing the retirement of George Weissman, chairman and chief executive officer of the Philip Morris Corp. While Mr. Weissman will be relieved of many of his executive responsibilities, he will continue his exceptional involvement in community programs. I personally applaud his efforts in chairing last year's New York partnership project which succeeded in finding 20,000 summer jobs for underprivileged youths, and look forward to the future public involvement of this devoted individual.

The article follows:

NOT ON TOP, JUST ON TAP

(By Charlotte Curtis)

George Weissman has this dream. The Philip Morris corporation's chairman and chief executive officer sees himself actually going home to Rye some night without a briefcase, dining quietly with his family and watching television. After years of 80- to 90-hour weeks, the novelty of it intrigues him.

"I'd even like to go to a midweek movie," he said.

At 64 going on 65, the tall, craggy Mr. Weissman is about to have the time. In August, he is stepping aside. Though he becomes chairman of the Philip Morris executive committee, younger men will take over the company. He smokes behind his big desk as he describes the transition, and sips iced tea. He never mentions retirement.

"I'm going to be on tap, not on top," he says jovially. Or, "I'm headed for a half-way house, a soft-landing, a decompression chamber. I need to get the bends out." Or, since he initiated the changeover, "I did this thing voluntarily."

For a minute there, it does sound as if the energetic executive will retire. "Oh, yes," he said. "I want to write a book, resume sculpting, take up painting and go fishing. I want to go back and see the world I missed because I was always in a business meeting."

He says he hasn't had a full month's vacation since 1946, when he left the Navy after World War II. "I've had this place in Florida for 12 years," he says. "The longest I was ever there was 12 days." He doesn't sound unhappy about. . . .

Clearly, Mr. Weissman loved the dashing off to do the deal only the chief executive could do. He even admitted it. He also conceded that his was "a fun job, exciting," that "as somebody once said, power is an aphrodisiac. Well, not literally," but that for him being with Philip Morris was "like a love affair: the power, the perks, the car, the company plane, the chance to steer a big ship instead of a rowboat."

When Mr. Weissman leaves his glossy office in the company's world headquarters it is to have an even bigger one in a building across the street. Besides his executive committee responsibilities, he continues as a director of Chemical Bank, Avnet and Gulf & Western. He is an active board member of Lincoln Center, the Whitney Museum and several other volunteer groups. He has promised Governor Cuomo he will chair the Governor's Business Advisory Board.

He has a constituency outside Philip Morris, a national following thanks to his determined efforts on behalf of corporate involvement in the arts. He said chairing last year's New York Partnership project, which succeeded in finding nearly 20,000 summer jobs for underprivileged youths, "felt better than anything I've ever done." Mr. Weissman's chances of withdrawing to Rye or Florida seem slim indeed.

"I was a newsman when I was young," he said, up now and striding toward a small stand. "You see this," he said, whisking away a plastic cover. "This is a typewriter, a pre-war Underwood. My kids found it for me. This is what I'm going to write my book on."

He wrote some 40,000 words of a war novel when he was a newsman, before Sam Goldwyn discovered him and turned him into a publicist, and he is determined to finish it "at some point." He is building a studio at his house in which to write, sculpt and learn to paint. But he's not sure when he'll start.

"I really don't know yet," he said. "I've had friends cut themselves off completely and play nothing but chess and tennis, and they loved it. Others became ill. Or they do the round-the-world trip, read books and that's it." He didn't sound enthusiastic.

Nevertheless, George Weissman has this dream. He sees himself sculpting, painting, catching a midweek movie, fishing in Florida, traveling the world and writing his novel. He also sees himself Wednesday nights at the ballet, Thursdays at the Philharmonic and Fridays at the opera, presumably after chairing the executive committee, attending board meetings or gatherings of subcommittees. And that's not counting what he's going to do for the Governor or that night he's home without his briefcase to dine with his family and watch television.

Yet, somehow, George Weissman will do it all, plus the reading of those books he has saved up in the closets behind his desk. He's not really dreaming about retirement. He's dreaming of a 60-hour week.●

TRIBUTE TO MAYOR JAMES E. LOVETT

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. COURTER. Mr. Speaker, I would like to take this opportunity to pay tribute to James E. Lovett, an outstanding citizen of Summit, N.J.

Jim has been active in community projects, serving as mayor of Summit from 1980 to 1983 following 4 years as councilman. During his tenure, Jim was noted for his cooperative ventures with other communities allowing for shared resources, money savings, and a greater quality of life for Summit residents.

Jim's dedication as a public servant is above the call of duty and greatly appreciated by myself and the town of Summit. A job well-done.●

LET CONTADORA DO IT

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. BARNES. Mr. Speaker, a recent Washington Post editorial pointed out the necessity of supporting the Contadora process in order to bring peace to Central America, rather than taking what the Post rightly calls the "polite but essentially negative attitude" toward Contadora that the administration is now taking. The only thing that I disagree with in the editorial is its implication that critics of the administration have not long since identified this as the real alternative to current policies. In fact, several of us in the Congress have been arguing strenuously for the past year that political settlements of Central America's conflicts are the key to accomplishing our other goals in the region, and that Contadora is the key to achieving political settlements.

I had the privilege recently of hosting a luncheon for several distinguished Latin Americans, including Galo Plaza, former President of Ecuador, Daniel Oduber, former President of Costa Rica, Oscar Camillion, former Foreign Minister of Argentina, Rodrigo Botero, former Finance Minister of Colombia, and others. These distinguished Latin American friends of the United States were unanimous in their view that our country must stop escalating Central America's conflicts militarily and give real support to the Contadora process—not as a way of abandoning our security objectives in the region, but as the only way to achieve those objectives.

I hope my colleagues will give careful attention to the editorial, which follows:

LET CONTADORA DO IT

This year's argument over the level and terms of American aid to Central America grinds on. It resembles last year's argument and it may well anticipate next year's argument. As a nation, we are in a rut in Central America. President Reagan says things it is hard to believe that even he believes—that, for instance, the troubles of the region constitute "a power play by Cuba and the Soviet Union, pure and simple." His critics reply in kind with such assertions as "The truth is that the administration isn't serious about helping El Salvador 'build its democracy.'"

Some of us focus first on the danger of a communist takeover, some on the political disabilities of the Salvadoran government. But over the span of two administrations the balance of political forces in Washington appears rather constant. The country is conducting a policy that keeps the cause alive—for the administration the cause of anti-communism, for critics the cause of reform—but does not allow the chosen cause to prevail.

Is it foolish to think the United States is capable of something better, of the consistent and effective pursuit of a policy that most citizens will find in the national interest? The naming of the Kissinger commission was an effort to set such a course, but already its recommendations seem to have been swallowed up by the familiar debilitating debate. From neither the administration nor the main body of its critics comes a real alternative.

We offer a better way, or at least a more feasible, more immediate and more necessary objective. Victory over communism is the wrong objective: international communism is only part of the "enemy." Reform, whether in human rights, economic development or political democracy, is the wrong objective: these things, vastly desirable, are not within the power of Washington to secure, even in the doubtful circumstance that it knew how. The right objective is to reduce the frenzy of the war—the government-vs.-guerrilla war and the haves-vs.-have-nots war—to alter the climate in which El Salvador's profound political conflicts will go on.

How is the scale of the war to be reduced? By turning to the Contadora group of would-be Latin mediators and saying in effect: the United States is going into a holding pattern, continuing military aid at familiar levels but meanwhile awaiting Contadora's suggestions for calming the region down.

These (more or less) democratic nations have no monopoly on wisdom. But they know the terrain and the players, and they have a surpassing interest in the outcome. The polite but essentially negative attitude the administration has taken toward their deliberations so far has kept them from doing what they might—and saved them from having to deliver. So let them show what they can deliver. It is an uncertain thing but not so uncertain as what the administration is still doing, unsuccessfully, after three years.●

ANOTHER DEMOCRATIC VICTORY IN TURKEY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. BEREUTER. Mr. Speaker, in November of last year, the Turkish people proved that democracy truly means the people's choice. In those elections, Turks rejected both the candidate backed by the military government in Ankara and the left wing party. Instead, it elected Turgut Ozal of the centrist Motherland Party, which had been vehemently attacked from both right and left during the election.

In local elections last Sunday, Turkish voters once again handed a vote of confidence to Mr. Ozal. All parties participated in the election, including those parties which were banned in November. While many economists believe that Turkey's economic problems require state generated growth and a continued closed economy, it is clear that Turkish voters do not agree. As the Wall Street Journal's March 28, 1984, editorial points out, Mr. Ozal's victory is a multiyear democratic mandate by Turkish voters to allow the new Prime Minister to—as the editorial says—"do his free market thing." I would like to direct my colleagues attention to excerpts from this editorial.

The article follows:

TURKEY DOES IT AGAIN

Chalk up another one for democracy. In local elections Sunday, Turkish voters gave Prime Minister Turgut Ozal a renewed mandate by backing his Motherland Party against all comers with as much support as he got last November. This gives him a multiyear license to open Turkey's cosseted market to much-needed competition.

There's nothing earth-shattering about people choosing the well-trod, free-market path to prosperity, but this election does create a serious problem. To wit, what are the critics of Turkish democracy going to do now? The national election in November was fought among three parties under the rules of Gen. Kenan Evren, who had brought Turkey back from the terrorist-inspired brink by taking control in 1980. Of the three candidates, the military supported the big loser and the people chose Mr. Ozal, the enemy of Turkey's traditional corporate state. But the critics said this wasn't fair because other parties were banned. Well, all the old political groups were invited to duel by ballot in Sunday's election, and according to the so-far unofficial results, Mr. Ozal's party won big again and shouldn't need to call a national election until 1988.

Pity the Council of Europe, 21 European countries that have been sniping at Turkey's political practices. They refuse to acknowledge that the generals took over Turkey only because Soviet-inspired terrorism was spilling so much blood that Istanbul made Belfast look like Disneyland. Gen. Evren is still considered a national hero, but the voters have now twice chosen the minimal state approach of Mr. Ozal.

Mr. Ozal's pledge to cut inflation from 40 percent to 25 percent this year, allow more imports of consumer goods and sell off government property to the private sector won his party wide support, even in the usual left-leaning, poorer urban areas. He is trying to tear down the bureaucracy that 50 years of statist rule built. He captured the voters' imagination with a plan approved earlier this month called the "Bosporus Bridge Sale Bill," named for the span connecting the European and Asian halves of Istanbul, which will be among the state-owned items up for bid. He's planning to privatize the country's oil, air and rail industries.

The only flies in the democracy ointment could be the generals, who still can veto legislation. Foreign investment, especially in state-run industries, already has some mercantilist blood boiling. But Turkey is doing just fine, and the voters have sent a message to the generals—and to other Europeans—that they want Mr. Ozal at liberty to do his free-market thing.●

A TRIBUTE TO DR. BENJAMIN ELIJAH MAYS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. STOKES. Mr. Speaker, it is with a great sense of personal loss that I inform the Members of this body of the recent passing of Dr. Benjamin Elijah Mays, president emeritus of Morehouse College. Dr. Mays was admitted on Sunday to Atlanta's Hughes Spalding Hospital suffering from respiratory problems, and passed on Wednesday morning. He was 89 years old.

Mr. Speaker, Dr. Mays has truly left his "footprints on the sands of time."

Born on August 1, 1895, in Epworth, S.C., Benjamin Mays was a world renowned Baptist minister, public orator, and educator. His parents were slaves. Mays, who angered his father by "aiming too high," left his parent's farm in 1916 and enrolled in Bates College in Maine, where he was awarded the B.A. degree in philosophy with honors. He was later conferred the M.A. degree in religion in 1925 and the Ph. D. in religion in 1935, both from the University of Chicago. From 1924 to 1940, Dr. Mays served as dean of the School of Religion at Howard University, here in Washington, D.C.

In 1940, Benjamin Mays became the president of Morehouse College, in Atlanta, Ga., one of this Nation's oldest black institutions of higher learning. He served in this capacity from 1940 to 1968. At the close of daily chapel services, Dr. Mays always left his students with these words: "Whatever you do, strive to do it so well, that no man living, and no man dead, and no man yet unborn, could do it any better."

During his tenure at Morehouse, Dr. Mays was a mentor to such notable black Americans as Dr. Martin Luther King, Jr., Dr. Lerone Bennett, and Georgia State Senator Julian Bond. Indeed, Dr. King always referred to Dr. Mays as his "spiritual mentor and intellectual father." Dr. King often stated that it was Benjamin Mays who influenced his decision to enter the ministry rather than the field of medicine. For Dr. Mays, his greatest honor was to deliver the eulogy at Dr. King's funeral on April 9, 1968.

Dr. Mays enjoyed writing and was the celebrated author of numerous periodicals and publications on religious, educational, social, and political issues. Among his publications are "The Negro's God as Reflected in His Literature" (1938), and his autobiography, "Born to Rebel" (1971). He was also coauthor of "The Negro's Church" (1933).

The honors bestowed upon this man are too numerous to mention. However, to name a few, he was a Phi Beta Kappa and the recipient of approximately 49 honorary degrees in law, divinity, and the humanities. And at the request of President Kennedy in 1963, Dr. Mays was a member of the U.S. delegation that attended the funeral of Pope John XXIII in Rome.

Mr. Speaker, with the loss of Dr. Mays, America and the world has indeed lost a great man and humanitarian. He was perhaps this century's greatest scholar. His life, works, and teachings are an inspiration to me and I know to countless others across this Nation. Former President Jimmy Carter once hailed Benjamin Mays as "a credit to the Southland, to America, and the world." But, perhaps it was Senator Julian Bond who summed it up best, when at Dr. May's induction into the South Carolina Hall of Fame, he stated: "I am kneeling at the feet of a giant. Making friends out of enemies has been a lifelong mission of Benjamin Mays."

I extend my deepest sympathies to his family. And in a final tribute to this great man, I close my remarks with these words to Henry W. Longfellow's "A Psalm of Life." These words, in my own mind, pay due tribute and homage to the life, work, and teachings of Benjamin Elijah Mays:

Lives of great men all remind us
We can make our lives sublime
And, departing, leave behind us
Footprints on the sands of time;
Footprints, that perhaps another,
Sailing o'er life's solemn main,
A forlorn and shipwrecked brother,
Seeing, shall take heart again.
Let us, then, be up and doing
With a heart for any fate;
Still achieving, still pursuing,
Learn to labor and to wait.●

TRIBUTE TO CONNIE WOODRUFF

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. RODINO. Mr. Speaker, it is a great privilege for me to rise today to recognize an outstanding advocate for the rights of women and minorities. Connie Woodruff, who will be named "Woman of the Year" at a testimonial dinner which will be held in her honor on April 5 in New Jersey. I am proud to serve as an honorary chairperson of this event, and am even more honored to count myself as one of the many "Friends of Connie Woodruff" who are organizing this tribute to her.

I have known Connie for many, many years, and have always held her in the highest esteem. From the early days of the civil rights and women's movements, Connie has been there. Throughout her impressive career—as a journalist, a labor leader, an educator, and a political activist—Connie has been an ardent and articulate champion of human and individual rights.

For the past 10 years, Connie has served as chairperson of the New Jersey Advisory Commission on the Status of Women. She is our State's representative in the National Association of Commissions for Women as well. Prior to this, Connie was community relations director for the eastern region of the International Ladies Garment Workers Union. She also worked as the city editor of the New Jersey Herald News.

Connie has, for 20 years, been a crusader for social change. In all that time, her dedication and spirit have never diminished. Where others would falter, Connie refused to give up. She is an inspiration to us all.

Mr. Speaker, Connie's many friends and colleagues have worked very hard to insure that she is given a fitting tribute. I wish to particularly name the members of the executive committee of the ad hoc group, starting with Dorothea Lee of Newark, who is chairing the "Friends of Connie Woodruff" group, and also including Beverly Barker, Gloria Buck, Goldie Burbage, Mildred Crump, Clara Dasher, Roslyn Edgerton, Lenora Gaskins, Audrey Greene, Elissa Hairston, Janice Jackson, Keith Jones, Barbara Kukla, Jeroline Lee, Trish Morris, Bernice Sanders, Robert Spellman, Janice Thomas, and Gwen Williams.

We in New Jersey are very fortunate to count Connie as one of our own. She has given so much to us, it will be a great honor to be able to give something back to her, and I am certain that the dinner in her name will be a most memorable occasion. Proceeds for this event will be shared by the United Negro College Fund, St. Vincent Academy, the Women's Forum at Essex County College, and the Newark Fresh Air Fund.●

NASSAU, N.Y., RESIDENT HONORED BY 4-H

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. SOLOMON. Mr. Speaker, last week, Washington played host to a group of outstanding 4-H leaders in a "Salute to Excellence" program at the National 4-H Center.

I am proud to note that one of those recognized is a constituent of mine, Alice G. Goebel of Nassau, Rensselaer County, N.Y.

Alice was selected as an outstanding New York 4-H volunteer. A homemaker, Mrs. Goebel serves as adviser to the 4-H Teen Ambassador group. She has been an active 4-H volunteer for 12 years, and she also serves as a district

leader, working to recruit new 4-H volunteers. With the teen ambassadors, Goebel provides training and support and encourages 4-H promotion throughout the country.

Alice Goebel is a true embodiment of the spirit and good works of 4-H.●

WARSAW HIGH SCHOOL CHAMPIONS OF 1984

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. HILLIS. Mr. Speaker, there are few athletic events more exciting than the month-long spectacle of crowning the high school basketball champion in the State of Indiana. Last Saturday night, we concluded the 1984 tournament in Market Square Arena with Warsaw High School emerging as the new kings of the basketball court.

Warsaw, however, wasn't the only champion. Receiving just as much recognition, and deservedly so, was a young man by the name of Milan Petrovic who was named the winner of the Arthur L. Trester Mental Attitude Award.

The Trester Award is named after the first commissioner of the Indiana State High School Athletic Association—the organization that conducts the most exciting high school basketball tournament in the world.

It is given to a senior boy who excels in basketball ability, mental attitude, leadership, sportsmanship, and scholastics. The winner of this coveted award is the quintessential "All-American Boy"—an example of the best this country has to offer.

That is especially significant this year since Milan was the first foreign-born student to win the Trester in the award's 67 years of existence. Milan, who is of Serbian descent, was born in Oxford, England in 1966 and moved to the United States 4 years later.

As the 6-foot 3-inch forward for Lake Central's Indians, Milan averaged more than 19 points a game this season in leading his team to the final four in Indianapolis. Although his team lost in the first semifinal game, the people of St. John, Ind., are justifiably proud of their team's 24-4 season.

Milan's credentials define the words "scholar athlete." He has a 3.9 grade point average and ranks 20th in his class of 485 seniors. He is a member of the National Honor Society, the Key Club and, last year, represented his school at Indiana Boy's State.

Milan teaches Sunday School and is a group youth leader at St. Elijah's Serbian Church. He plans to seek an engineering degree beginning this fall at Northwestern University where he has won a 4-year basketball scholarship.

In short, he is the son every mother would be proud to have.

It is Helen Petrovic, an interior decorator in Crown Point, who has that honor. Her words to an Indianapolis newspaper reporter at the State finals reveal the strength and wisdom which molded Milan's character.

She said she always worked hard to keep her son's thinking in perspective by making sure he understood "that both success and failure can be temporary and, often, not what they seem at the time." How those words must have helped Milan on Saturday as he coped with the heartbreak of Lake Central's defeat and the euphoria of winning the Trester Award.

How all of us might want to remember those words on the morning after this November's election.

Mr. Speaker—it is young people like Milan Petrovic who cause me to be optimistic about America's future. The example he has set is an inspiration to all of us and I congratulate him on winning the recognition he deserves.●

A SALUTE TO OFFICER WILLIAM D. TALBERT

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. BARNES. Mr. Speaker, as I have pointed out previously, drunk driving is the most frequently committed violent crime in the United States, and the leading cause of death of Americans under the age of 35. In 1981, more than 28,000 people were killed in alcohol-related automobile crashes nationwide. In just 2 years, alcohol-involved highway fatalities were cut by over 20 percent.

Much of the credit must go to the outstanding and dedicated work of the many law enforcement officers who are constantly on the front line in the battle against drunk driving.

In my own community of Montgomery County, Md., where sobriety checkpoints were instituted by our police 2 years ago in conjunction with their general crackdown on drunk drivers, we experienced a 300-percent increase in drunk driving arrests and, more importantly, a 75-percent reduction in alcohol-related traffic deaths during the period of fiscal years 1982 and 1983.

Our Maryland State and Montgomery County police deserve long-overdue recognition for their key role in this tremendous initial success in curbing drinking drivers in our community.

I want to take this opportunity to single out in particular the consistently outstanding contributions made by one member of our county's police force. Officer William D. Talbert of Damascus, Md. Officer Talbert holds the county record for the second highest number of drunk driving arrests, and he led our police force in drunk driving arrests made during the first half of 1983.

Last June 30, as Officer Talbert was patrolling Route 355 near Shady Grove Road in Gaithersburg, he spotted a van swerving in and out of its lane. Upon investigation, Officer Talbert found that the driver was not under the influence of alcohol, but had been attempting to stir his cup of coffee while driving. In a tragic twist of irony, as Officer Talbert was walking back to his cruiser, he was struck by another oncoming van that swerved off the road. As a result, his chest and leg were crushed and his kidneys were damaged. The driver of the second van was arrested, and eventually convicted, for driving while intoxicated.

A 12-year veteran of the Montgomery County Police Department, and the recipient of the county's policeman of the year award in 1981, Officer Talbert has been forced to retire. According to his doctors, he has made incredible progress and is able to walk with the assistance of a cane.

Today, Officer Talbert stays at home where he cares for his four children: Gregory A., age 12; David J., age 11; Laura L., age 7; and William R., age 2, while his wife, Judy, is busy pursuing a new career in nursing in order to supplement his retirement and disability pension.

Recently, Officer Talbert was honored by the Maryland State Legislature which presented him with a resolution praising his "courageous efforts to get the intoxicated drivers off the roads." Also, our county's chapter of Mothers Against Drunk Drivers (MADD) presented him with an award plaque recognizing his outstanding public service and determination to make our highways safer.

While Officer Talbert is no longer able to serve, it is my hope that he will serve as a model for his colleagues in my State and community to follow so that the special contributions he made to reduce the threat posed by drunk drivers will be carried on with the same vigor and resolve. And, as our Nation continues to wage an aggressive attack on drunk driving, I am convinced that the battle could be won if every law enforcement officer in every State and community pursued this tragic epidemic with the kind of dedication and commitment that Officer William D. Talbert gave to my community so unselfishly.●

RODINO BANKRUPTCY BILL

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. DICKS. Mr. Speaker, today the Members of the House begin consideration of a package of bankruptcy proposals offered by my distinguished colleague and chairman of the House Judiciary Committee, PETER RODINO. Mr. Speaker, I believe that these measures will have a critical impact on restoring stability to collective bargaining, protecting millions of American workers, and insuring that companies have a means to reorganize and remain in business.

The Supreme Court ruling on NLRB against Blidisco, recognizes the principles that labor contracts are different from other types of executory contracts, and that a stricter standard applies to collective-bargaining agreements. However, the Court countermanded these principles when it ruled that burdensome labor contracts may be unilaterally abrogated by chapter 11 companies.

Recognizing principles is one thing but devising effective standards that uphold these principles is altogether a different matter. While the former is the role of the courts, the latter is the job of Congress.

I agree with the dissent opinion issued by Justice William Brennan who protested "* * * that such a disregard of the collective-bargaining system was not the intent of Congress and would spawn precisely the type of industrial strife that the National Labor Relations Act was designed to avoid."

The Blidisco decision removes any incentive to bargain with a labor union over reductions in terms and conditions of employment, thereby substantially weakening the union's bargaining position. H.R. 5174 would correct this inequity by making it clear that no employer can unilaterally reject a collective-bargaining agreement upon filing for chapter 11 reorganization. Instead, the employer must first request the permission of the bankruptcy court to reject the labor contract. The proposal requires the court to begin a hearing on this request within 7 to 14 days and also includes provisions encouraging the use of collective bargaining to enable labor and management to reach an agreement prior to the court hearing.

In addition, H.R. 5174 establishes a reasonable standard, consistent with the national labor policy, for bankruptcy judges to use in deciding whether an employer's request to reject a collective-bargaining agreement should be granted. It provides that a collective-bargaining agreement can be rejected if the court finds that the jobs covered by the agreement would be lost and the company's efforts at reorganization would fail if the labor agreement was maintained.

This type of standard was in effect when Congress enacted earlier bankruptcy law changes, as a result of the Supreme Court's decision on Brotherhood of Airline Clerks against REA Express, Inc. Nothing in these changes made by Congress in 1978 was intended to overrule the Court's decision.

But evidently Congress has not adequately clarified the difference between collective-bargaining agreements and other types of executory contracts, leaving the Supreme Court no choice but to rule as it did. We must make it clear that the Bankruptcy Code was never intended to be used by companies to nullify labor contracts which were bargained in good faith. The Supreme Court ruling in the Blidisco case went as far as it could. Congress must now act to close the gap between the current law and the law we intended.

PIPELINE SAFETY

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. SHARP. Mr. Speaker, today I am introducing a bill to authorize the continuation of the Federal pipeline safety program in the Department of Transportation. The total authorization for fiscal year 1985 is $8.1 million. This is $3.6 million for gas pipeline safety, $900,000 for liquid pipeline safety, and $3.5 million for a grants-in-aid program for the States.

This authorization request is $200,000 greater than the amount requested by the administration, but is exactly equal to the fiscal year 1984 appropriations level.

The administration's proposal reduces support for training of State pipeline safety inspectors by $200,000. This is perhaps the single most important area of the program. Safety inspectors must be trained; they simply do not exist in the job market. States are less able than the Federal Government to pay for this training, and the cut in Federal support will mean insufficient trained inspectors. This relatively small dollar amount is crucial to the States and needs to be retained.

The administration requested a 2-year authorization. Based on evidence the Fossil and Synthetic Fuels Subcommittee has received, this is not warranted. GAO is completing an 18-month review of the program and has concluded that the program is not being administered to best utilize available resources. In other words, the management of the program needs improvement. For example, a report required on gas master meter systems, those serving large apartment houses and shopping centers, was required to be submitted to Congress in 1980; it still has not been received, nor has an adequate explanation been sent.

The technical advisory committees are required by statute to meet twice per year. DOT only brings them together once a year.

The liquid pipeline safety program required in 1979 is now only barely getting started.

These are examples of a poorly managed program in need of forceful leadership. Since the top levels of the Department of Transportation (DOT) are clearly not providing it, the Congress must provide more regular and thorough oversight. Therefore I am recommending only a 1-year authorization. This will insure that DOT must come back to the Congress next year for a reauthorization, and we will expect a better account of their management of this vital safety program. I have also asked GAO to continue their monitoring of the program and be prepared to report to the Congress on improvement.

The bill I am introducing also requests DOT to do two studies for the Congress. First, the Department is asked to consider the problems associated with transportation of methanol in the existing liquid pipeline system. Methanol is a liquid transportation fuel that will receive increasing use. Safety, technical, and economic considerations with respect to its pipeline movement need to be considered.

Second, DOT is asked to study ways to inspect and verify the safety of pipelines using the state-of-the-art technology. Our colleague from Minnesota, Mr. VENTO, has taken the lead on this issue by proposing to mandate a specific form of testing. This study will help us move forward to achieve his goals in the most cost-effective way. As the Nation's pipeline system ages, increased cost-effective inspection is necessary to insure human safety and environmental protection.

Pipeline safety is an important Federal responsibility. Natural gas pipeline system failures accounted for 31 fatalities and 266 injuries in calendar year 1982, the latest data available. These figures represent a 5-percent increase over the previous year. The majority of the 1,711 failures were distribution line failures, that is, those lines that distribute gas to consumers; 520 failures were experienced in transmission and gathering lines.

It is not unreasonable to expect that accident frequency might increase with the advanced age and deterioration of certain existing pipelines. For example, a March 1983 DOT draft report indicates that the average master meter system is about 16 years old and most are primarily constructed

of steel. Furthermore, the report states that the life of unprotected steel can vary from 1 to 40 years, depending upon the environment, but that 20 to 30 years is a good average life.

Similar problems can occur with the transportation of petroleum product and liquid ammonia. NTSB summed up the situation accurately when it testified that the same economies of scale that make pipeline transportation feasible also create the potential for greater losses of life and property in any single incident.

In 1982, the latest year for which statistics are available, almost 10 million gallons of hazardous liquids were lost through pipeline accidents. Accidental spills are a serious matter, with health and environmental risks often evident. These accidents are occurring not only in rural areas but in commercial and residential areas as well, exposing people and property to serious hazards. EPA studies of ground water contamination indicate that serious hazards already exist to underground water supplies and numerous cases of actual damage have been reported. In addition, it is noted that many of the pipelines carrying hazardous liquids were laid in the 1930's and 1940's before corrosion control systems were developed. Thus, many of the early pipelines are particularly susceptible to wear.

I personally know the disasters which can develop with an inadequate safety program. In 1968 the heart of downtown Richmond, Ind., was destroyed in a pipeline-related accident and 41 people were killed. I intend to insure a forceful program to minimize the likelihood of similar accidents in the future.●

HAWAIIAN GARDENS 20TH ANNIVERSARY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. ANDERSON. Mr. Speaker, on April 9, 1984, the city of Hawaiian Gardens will celebrate the 20th anniversary of its incorporation. To mark this occasion, a parade will be held on Saturday April 7, followed by an open house, guided tours, and a spectacular birthday luau celebration to be held at the C. Robert Lee Community Center in Hawaiian Gardens. The grand marshall for the parade will be the city's first mayor, Lee Ware.

The first city council consisted of Lee Ware, Venn F. Furgeson, Robert G. Leach, C. Robert Lee, and Glen Turner, It is interesting to note that the present city council has one of the original members, Venn W. Furgeson, along with Donald F. Schultze, mayor; Jack M. Myers, mayor pro tem; Lupe A. Cabrera, councilman; and Margaret J. Vineyard, councilwoman.

Upon incorporation, Hawaiian Gardens became the 75th city in California. At that time the city was less than a half square mile in area, with an estimated population of 3,300, and was then the smallest city in the State. The city has grown to a size of approximately 1 square mile in area with a population of 10,700.

Twenty years of incorporation has seen the city develop into a thriving community due to the enthusiasm, energy, and devotion of the citizens and community leaders of Hawaiian Gardens.

In conjunction with the Community Redevelopment Agency, numerous capital projects, such as street improvement, street signing and lighting, street trees, center dividers and landscaping, park and recreation facilities, shopping centers, water and sewer improvements, and housing developments have been built. The result has been a greatly improved quality of life for the residents of this industrious community.

The city is composed of many small businesses, an excellent community hospital, outstanding schools, pleasant parks, churches for worship, clubs for service, and of course, some of the finest people in the world involved in making Hawaiian Gardens a truly great place to live.

My wife, Lee, joins with me in wishing Hawaiian Gardens, its mayor, council members and citizens a joyous anniversary and increased prosperity for the future.●

AUTO FLEET SUBSIDIES

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. FISH. Mr. Speaker, fleet subsidy legislation, to prohibit auto manufacturers from selling or leasing passenger cars, trucks, or station wagons to any person at a price lower than that accorded its franchised dealers, has been referred to both my House Judiciary Subcommittee on Monopolies and Commercial Law, and the Energy and Commerce Subcommittee on Commerce, Transportation, and Tourism. The Commerce subcommittee has held hearings on this measure, H.R. 1415.

The purpose of the legislation is to address perceived inequities in the sale of automobiles and trucks to fleet buyers, such as car-rental companies and the U.S. Government. Car dealers who are not involved in fleet sales have for the most part supported H.R. 1415. They object to the incentives provided fleet buyers, which are not available to them as well. H.R. 1415 would require that any restrictions, or rebates, or discounts be provided uniformly to all purchasers of autos and trucks.

The following letter from the March 1984 edition of Automotive Fleet magazine recently came to my attention, it is from a dealer who is both fleet sales and retail sales of three excellent/selling lines of automobiles. The dealer expresses his views on the proposed fleet subsidy bill. I thought this might be useful to those of us who are considering H.R. 1415, as well as for other Members interested in this issue.

The letter follows:

DEALER SPEAKS OUT AGAINST H.R. 1415

I realize that there are some inequities in the distribution system, but that's something that should be worked out between the dealers and the manufacturers. Let's not run to the government.

I don't want government regulating what I think is good for my business. Being one of the largest, retail Buick dealers in New England and one of the largest fleet dealers, I have realized the extent to which the two are separate businesses. I don't believe one has any effect on the other.

When I was at the recent NADA convention, no one told me business was poor. No one told me that because of fleet incentives they were going out of business. A lot of dealers are in the fleet business, operating their own leasing and rental businesses; I don't see them wanting to give up business.

If we give up incentives, we're giving up the economy as we know it. Volume discounts are traditional; people buying large volume have traditionally been given a favorable price. Secondarily, it's much easier to sell one person 100 cars than to sell 100 people one car. Volume sales reduce the price of sale, so why shouldn't the volume buyer have a lower price?

BOB BREST,
President, Bob Brest Buick, Datsun, & Chevrolet, Lynn, Mass.●

CALIFORNIA'S MODESTO HIGH PANTHERS: STATE CHAMPS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. COELHO. Mr. Speaker, I would like to take this opportunity to congratulate the Modesto High School basketball team which won the California Division II State basketball championship on Saturday, March 17, 1984.

The Modesto High Panthers achieved a standard unmatched in local sports history by becoming the first high school team in all of Modesto to win a California Division II championship.

The Panthers earned the title by defeating Oceanside High School by a score of 50 to 47. This was not only a championship victory for the team, but the highlight of a winning season which boasts a 33–2 record. The team

could well be the Cal Hi Sports' Division II Team of the Year.

Again, congratulations to the players, to Coach McGhee, and to his assistant coaches for a job well done. This feat will always be proudly remembered by Panther fans. Best wishes for continued success.●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. PATTERSON. Mr. Speaker, I rise today to join my colleagues on both sides of the aisle who are participating in this year's Call to Conscience Vigil on behalf of Soviet Jewry. I would like to commend the Representative from Pennsylvania (Mr. COUGHLIN), for chairing this effort.

The issue that gives rise to this vigil is one that we in Congress have become all too familiar with in the past few years, Mr. Speaker. There have been countless words written and spoken, countless actions taken, and they all boil down to one thing: that basic human rights are being denied to the Jews of the Soviet Union. Their professional degrees are being stripped from them. They are being denied exit visas to live with their families in other countries. They are being forced into internal exile, often without access to medical treatment. They are being imprisoned on trumped-up charges with no access to legal counsel. Libelous literature is being published against them with the official sanction of the Soviet Government. In short, Mr. Speaker, there is in motion a determined campaign to wipe out the religious and cultural identity of the Soviet Jews.

Last November, I was visited in my Washington office by two constituents and friends of mine, Ken and Nancy Levin of Garden Grove. The Levins told of being harassed by Soviet officials when they attempted to visit the family of refusenik Lev Elbert on a recent visit to the Soviet Union. Although shaken by their treatment at the hands of the Soviets, the Levins were more determined than ever to persevere in their efforts on behalf of Soviet Jews. They were able to make personal contact with Lev Elbert's family to show the Elberts that they and their fellow Jews have not been forgotten, that we in America are more determined than ever, more committed than ever to the fight against the ugly persecution of the Soviet Jewish people.

While in the Soviet Union the Levins learned of another refusenik, a young man named Yakov Mesh who with his wife Marina has been applying for emigration visas unsuccessfully since 1977. When he first applied for the visas, Yakov Mesh was served with a reserve draft notice for the Soviet Army. Since he had already served a term in the army, it was feared that this was an attempt to delay action on the visa applications. Yakov Mesh has since been relieved of reserve duty, undoubtedly due to pressure on the Soviet authorities, but he and his wife have still not received favorable attention to the applications for emigration visas. They have joined the uncounted ranks of Soviet Jewish refuseniks who wait in hope and uncertainty for permission to join their relatives and loved ones in other countries.

There are no words, Mr. Speaker, to adequately describe the suffering these people have endured and the moral courage they have displayed through the years. The benefits of living in a free society that we tend to take for granted are the treasured goals that keep these people sustained in their struggle against a system that does not recognize or respect basic human rights.

But with every new instance of repression against these people, with every new case that comes to light there will be an answering renewal of purpose, a strengthening of resolve on the part of the refuseniks and those of us who seek to assist them in their struggle to live in freedom. The Soviet Jews and their supporters in this country will become, like Ken and Nancy Levin, more determined than ever, more committed than ever to the fight against the ugly persecution of the Soviet Jewish people.●

A TRIBUTE TO SOPHIE RAPAICH

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. PEPPER. Mr. Speaker, it is my pleasure to honor here today Sophia Bozanich Rapaich who is an outstanding example of courage, determination, and all the fine qualities of that large group of individuals known as average Americans who are in fact the group that makes America great. She emigrated from her homeland, Serbia, which is now a part of Yugoslavia, to America in 1912 to be reunited with her husband, Rudolph, in the small village of Niagara, Wis. Sophie worked to overcome the hardships that most immigrants endure, not knowing the language, customs, or laws of America, but she loved our country and learned our system of government. Her family life was exemplary and loving. She raised eight children, five of whom are still alive, in the American manner. Sophie enjoyed an enduring marriage of 63 years to the late Rudolph Rapaich. She still resides in Niagara, where she has been a resident for the past 72 years. She is very active and enjoys reasonably good health. Because of her activity and her remarkable attitude she remains an inspiration to all who know her.

On April 20, 1984, Sophie will celebrate a remarkable milestone in her life—her 96th birthday. I want to join with her devoted son, Eli Rapaich, and the rest of her family and friends in extending warmest congratulations and very best wishes on this happy and blessed occasion. May her future be filled with good health and much happiness.●

OTTO ECKSTEIN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. HAMILTON. Mr. Speaker, last week the Joint Economic Committee lost one of its closest friends and most respected advisers. Otto Eckstein was a professor of economics at Harvard University, and founder and chairman of Data Resources, Inc., the largest economic advisory service in the country.

Dr. Eckstein had a long association with the Joint Economic Committee. He served as the committee's technical director in 1959–60, and oversaw the many hearings, reports, and study papers which comprised the "Study of Employment, Growth, and Price Levels." This work was influential in President Kennedy's economic program. After his work with the committee, Dr. Eckstein returned to Harvard as an asssociate professor of economics. In 1964 he was appointed by President Johnson as a member of the Council of Economic Advisers, where he served until 1966.

Dr. Eckstein founded D.R.I. in 1968, while continuing as professor of economics at Harvard. He rapidly built D.R.I. into the leader in the field. At the same time he continued his teaching and scholarly research.

Dr. Eckstein frequently testified before the Joint Economic Committee on economic policy matters, the outlook for the economy, and other issues. He was an articulate and well-informed witness, who provided solid statistical evidence for his views. In 1980 the committee published "Tax Policy and Core Inflation," a study prepared by Dr. Eckstein. This work provided a new framework for the analysis of inflation, and it was later developed in more depth in his book on "Core Inflation."

We will miss Dr. Eckstein. I am entering for the record the obituary pub-

lished in the March 23 Washington Post.

The article follows:

[From the Washington Post, Mar. 23, 1984]

OTTO ECKSTEIN, ECONOMIST, ADVISER TO PRESIDENTS, DIES

(By J. Y. Smith)

Otto Eckstein, 56, a member of the Council of Economic Advisers in the Johnson administration, a pioneer in the use of computer models to make economic forecasts, and a professor of economics at Harvard University, died of cancer yesterday at Massachusetts General Hospital in Boston.

Apart from his work in the government and as a teacher and theorist, Dr. Eckstein was a founder in 1968 of Date Resources Inc. of Lexington, Mass., the country's largest economic advisory service. In 1979, the company was purchased by McGraw-Hill Inc. for $103 million. Dr. Eckstein and members of his family were said to have received $40 million of this sum. He remained president of DRI until 1981.

Dr. Eckstein believed that federal tax and spending policies could be used to influence the course of the economy, and he emphasized this conviction in his work. He had a strong interest in inflation, its measurement, its causes and possible techniques of controlling it. He coined the term "core inflation" to describe and analyze the basic underlying movement of prices by abstracting from temporary changes, such as increase in fruit and vegetable prices due to a sudden freeze.

Earlier this year, he presented a report to the Reagan administration and Congress that called for a reduction in the federal deficit, a restructuring of the nation's basic manufacturing industries, and steps to make American goods more competitive in world markets. A key point in remaining competitive, he said, was establishing and maintaining a technological edge over the products of other countries.

In a study prepared for nine major corporations, he said the government had failed to encourage industry, cut the deficit, and change tax laws to increase investment.

"We're being displaced all over the world and we're being displaced in our own country by foreign powers," he said.

At Data Resources, which he founded with Donald B. Marron, an investment banker, Dr. Eckstein set up an economic "data bank" containing thousands of statistical entries, many from government reports. Clients with computers could use this centralized information for their own analyses and economic forecasts. That service was a significant aspect in DRI's success.

In addition, Data Resources used the information bank for its own forecasts, including detailed predictions for many industries such as steel and petroleum. These forecasts have gained a wide following.

In short, Dr. Eckstein and his associates created an econometric model of the U.S. economy and used it both to analyze and forecast economic activity. The model—a set of mathematical equations describing past relationships, such as changes in wages and prices, or the level of interest rates in connection with housing construction—became steadily more detailed over the years and was the subject of "Core Inflation," the most recent of Dr. Eckstein's books.

Dr. Eckstein continued teaching at Harvard until his death. A warm and approachable man, he said he felt this aspect of his life was at least as important as the business of advising presidents.

"Your long-run impact on the world is, in the end, really at least as great, if not greater, through your teaching than through your writing or research," he said. "You're educating a population not through inculcating them with your ideas, but in teaching them the analytic principles of economics."

Dr. Eckstein, who lived in Lexington, was born in Ulm, Germany, on Aug. 1, 1927. His father was Hugo Eckstein, a businessman, and his mother the former Hedwig Pressburger. The family left Germany in 1938 to escape the anti-Semitic policies of Hitler and arrived in this country a year later. Young Eckstein finished high school in New York City, became a citizen in 1945, and served in the Army Signal Corps as a private. He then went to Princeton University, where he graduated summa cum laude.

By then his interest in economics already was well established, for as a youth he had been concerned about the difficulties immigrants had in obtaining employment in this country. He went on to Harvard, where he earned a master's degree in 1952 and a doctorate in 1955. His dissertation, "Water Resource Development: The Economics of Project Evaluation," was his first large study of the federal government and the economy.

Dr. Eckstein was appointed an instructor at Harvard in 1955, an assistant professor in 1957, an associate professor in 1960, and a full professor in 1963. At the time of his death, he was the Paul M. Warburg professor of economics at the university.

From 1959 to 1960, he was the technical director of the Joint Economic Committee of Congress. A Democrat in politics, he was named to the Council of Economic Advisers by President Lyndon B. Johnson in 1964, and served until 1966. He continued to advise White House occupants and others in government for the rest of his life.

Dr. Eckstein's survivors include his wife, Harriett, of Lexington; three children, Warren Matthew, Felicia Ann and June Beth, and his mother.●

FREEZE ON DEFENSE SPENDING

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mrs. SCHROEDER. Mr. Speaker, today I and my distinguished colleague from Massachusetts, ED MARKEY, are introducing legislation that will freeze the fiscal year 1985 defense spending levels at 1984 levels. This freeze will affect defense spending across the board. It will freeze spending levels at the Department of Defense; the military applications of nuclear energy functions at the Department of Energy; the civil defense functions of the Federal Emergency Management Agency; and the Selective Service System.

This is a real freeze: that is, dollar amounts are frozen, there is no adjustment for inflation. If passed, this bill will reduce President Reagan's defense request by $48 billion and reduce the fiscal year 1985 deficit by $34.5 billion.

This bill will force the military to increase its concentration on readiness and training and reduce its emphasis on building new, expensive, and complex machines. It will also slow down the proliferation in the number and type of nuclear weapons.

If you think $1 billion every work day is enough to keep the Pentagon going, this bill is for you.●

MARINE PULLOUT FAVORED IN POLL

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. GAYDOS. Mr. Speaker, ever since a U.S. Marine peacekeeping force was sent to Lebanon in September 1982, Americans have been concerned over what might happen in that section of the world.

Their fears increased with the escalation of hostilities in the Mideast and when the situation developed to the point where more than 200 marines were killed, concern flared into controversy over the necessity of keeping our troops there.

In an attempt to learn the opinion of residents in the 20th Congressional District of Pennsylvania, I initiated one of my "home phone poll" surveys on the question of whether the Marines should be withdrawn or ordered to remain on duty in Lebanon. The survey was prematurely terminated by the President's decision to reposition the troops in ships offshore.

Nevertheless, I thought the President would be interested in the results of the survey up to that time and have so informed him by letter. I am inserting the findings into the RECORD for the attention of my colleagues as well.

A portion of our home phone poll participants—1,081— responded to the question on the folowing manner:

Troops should be withdrawn: 847 or 78 percent.

Troops should remain: 204 or 19 percent.

No comment: 30 or 3 percent.

Mr. Speaker, the home phone poll has proven to be an effective means of learning public opinion on topical issues since I initiated it a decade ago. The people of the 20th District are not reluctant to express their views and I feel they should be heard.●

FOREIGN INTELLIGENCE SURVEILLANCE COURT—HOW IS IT WORKING?

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. KASTENMEIER. Mr. Speaker, in 1978, in order to address some of the abuses of constitutional rights ex-

posed by the Church committee, Congress passed the Foreign Intelligence Surveillance Act (FISA). This legislation, in part the product of work by the House Judiciary and Intelligence Committees, authorized a specialized court to review applications for electronic surveillance of foreign intelligence targets in this country. This court, the Foreign Intelligence Surveillance Court, is unique: it operates in secret, with ex parte proceedings. Congress therefore provided congressional oversight by both the House and Senate Intelligence Committees.

In the past 4 years, these committees have done commendable work. However, because much of the work of the FISA Court is classified, there has been very little opportunity for the public to openly review the workings of the act. Last June, the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice, which I chair, held the first public hearings on FISA and the FISA Court. It is my hope that through these hearings, both Members and the general public will obtain an increased sense of how foreign intelligence surveillance is regulated by the act.

I would also like to commend an excellent article on the workings of the Foreign Intelligence Surveillance Court, published in the April 1984 issue of the Progressive magazine, and insert it in the RECORD:

A COURT THAT NEVER SAYS NO

(By Keenen Peck)

Twice a month, and whenever an emergency arises, a judge holds court in the conference room on the top floor of the Justice Department building in Washington, D.C. The room, regularly "swept" to detect hidden microphones, is secured by a cipher-locked door. Seven district court judges preside on a rotating basis. Though hand-picked by Chief Justice Warren Burger, all are subjected to FBI background checks.

Eleven lawyers currently hold Government clearance to appear before the court. They have never lost a case. No one argues against them. One judge once overruled the lawyers, but merely because they had asked him to do so. That unique decision became the only published opinion ever to emanate from the conference room.

This is the Foreign Intelligence Surveillance Court. For the past five years, since May 1979, it has authorized "national security" wiretapping and bugging. Federal spy agencies must obtain approval from the special judges to conduct electronic surveillance within the United States. Applications to the court bear the signatures of the Attorney General and, depending on which agency makes the request, the Secretary of Defense, the Director of Central Intelligence, or the FBI Director.

At a time when more and more Americans are protesting U.S. nuclear and foreign policies, the tribunal poses a potential threat to dissidents at home. It authorizes wiretaps on persons believed to be "agents of foreign powers," and President Reagan has said more than once that he regards dissenters as tools of alien forces.

Every application brought before the extraordinary court has been approved—1,422 as of January 1983. In 1982, the last year for which figures are available, the Reagan Administration sought and received 473 surveillance orders, almost 50 percent more than the Carter Administration obtained in 1980, the only full year it was required to seek court approval.

Why has the secretive court never rejected an application?

"The garbage drops out way before that," contends Mary Lawton, the Justice Department's counsel for intelligence policy, whose staff prepares the applications and represents the snoops. "The levels of review in the FBI and National Security Agency and here are so intense that the chances of a poor one getting in there are zilch."

"I am not necessarily persuaded," says Representative Robert Kastenmeier, the Wisconsin Democrat who chairs the House Judiciary Committee's subcommittee on courts, civil liberties, and the administration of justice. "It's an open question whether we're getting good, solid review of these applications."

Last summer, Kastenmeier held the first public hearings on the court. Witnesses included Lawton, civil liberties advocates, and the former chief judge of the intelligence court, George Hart Jr., who served from 1979 to 1983. Hart delivered his testimony in vague terms, but he inadvertently provided some insight into the court's perception of its duty:

"The judges of the court sit in Washington, D.C., to consider applications for orders authorizing the interception of foreign intelligence information by electronic surveillance, or other mechanical means," he told the subcommittee. "We seek to ensure that there is always a judge available to issue such an order."

The key words are "available to issue such an order"—which is quite different from ensuring the availability of a judge to consider an application. Hart, perhaps, equates impartial review with automatic approval.

Presumably, the court has the power to reject applications. Under the Foreign Intelligence Surveillance Act (FISA), which mandated the establishment of the court, the judges are charged with weighing the constitutional rights of Americans against the ostensible needs of the spy agencies.

Unfortunately, the court seems to attach greater import to the latter—at least from the scanty data that have seeped through the shroud of secrecy surrounding the body. In some instances, the judges have erred in favor of the intelligence community. But even where the letter of the law is upheld, constitutional rights stand in jeopardy. FISA's safeguards are paper thin, and its loopholes are gaping.

In a conference room on Constitution Avenue, of all places, the National Security State has been institutionalized.

FISA was enacted in 1978 after Congress and the media exposed a wide pattern of abuses by the Executive Branch. Senator Frank Church, who led the most intensive investigation into Watergate-era transgressions by the intelligence agencies, summed up the findings of his Select Intelligence Committee this way:

"Through the uncontrolled or illegal use of intrusive techniques—ranging from simple theft to sophisticated electronic surveillance—the Government has collected, and then used improperly, huge amounts of information about the private lives, political beliefs, and associations of numerous Americans."

FISA was supposed to put an end to such offenses.

The law was designed to "curb the practice by which the Executive Branch may conduct warrantless electronic surveillance on its own unilaterial determination that national security justifies it," according to a 1978 Senate report on FISA. "Legitimate use" of wiretapping and bugging to obtain foreign intelligence information would thereafter be authorized by the Attorney General and a disinterested special court which, in turn, would be watched by Congress itself.

Six years earlier, the Supreme Court had held that warrantless domestic surveillance violated Fourth Amendment protections against unreasonable searches and seizures. But the high court explicitly reserved judgment "on the scope of the President's surveillance power with respect to the activities of foreign powers, within or without this country."

Congress stepped in to fill the breach. FISA allows court-approved electronic surveillance if there is "probable cause" to believe that the target is a "foreign power" or, more vaguely, an "agent of a foreign power."

A "U.S. person"—that is, a citizen, a permanent resident, or an organization that includes many American members—may not be considered an "agent of a foreign power" solely on the basis of activities protected by the First Amendment, the law states. However, the court can authorize snooping on Americans if the Attorney General certifies they are engaged in clandestine activities on behalf of a foreign power that "may involve" a violation of criminal law.

According to a recent memo prepared by the Justice Department at the request of Representative Kastenmeier, "Even if the target is seeking unclassified or public information, this may be sufficient to obtain authorization of the surveillance if he is doing so at the direction of a foreign power."

The memo also notes, "During the past four years, the percentage of targets who are United States persons has increased, somewhat, due primarily to enhanced investigation of international terrorism."

When the Government overhears an American in the course of a foreign-related surveillance, it can retain the information if "necessary" to national defense or security—the same rationalization Richard Nixon invoked to spy on U.S. dissidents.

The intelligence court's standard for approving surveillance is weaker than the one used in criminal investigations. To obtain a warrant in a criminal case, the Government must show "probable cause" that an offense has been or will be committed; in an FISA case, the Justice Department must merely demonstrate that the target has foreign connections and that the premises to be bugged are used by that target.

Furthermore, the language of the Act limits the ability of the court to challenge Government claims. As Mary Lawton told the House subcommittee, "An FISA judge may look behind the certification only if the target is a U.S. person and then only on a 'clearly erroneous' standard." Put another way, if the papers are in order, the court has no choice but to approve the spy agencies' requests.

"The benefits of the structure are illusory," says John Mage, a New York lawyer who represents a Bulgarian diplomat charged with espionage on the basis of an FISA surveillance. While listening in on the Bulgarian, the Government overheard discussions among the diplomat, Mage, and another lawyer who, like Mage, is a "U.S.

person." The Justice Department says it protected the rights of all parties by erecting a "Chinese wall" between prosecutors and FBI agents who monitored the microphones.

"Secrecy corrupts, and absolute secrecy corrupts absolutely," maintains Barry Scheck, professor at New York's Cardozo Law School and attorney in an FISA case involving supporters of the Irish Republican Army. "The statute permits political surveillance, and without a stretch, without a lot of malevolence, it permits abuse." Scheck believes the Government can "find a way into domestic political organizations" by targeting their foreign members.

"Until someone knocks on your door and says, 'Aha, you're a foreign agent,' you don't think it could apply to you," adds attorney David L. Lewis, who has also represented backers of the Irish Republican Army who were bugged under FISA. (In one case, the defendants were acquitted of conspiracy and various weapons charges; in the other, Scheck and Lewis are appealing convictions of gunrunning.) "Congress authorized the President to use the judiciary as a rubber stamp," Lewis says.

The tribunal has not confined itself to issuing surveillance warrants; between 1979 and 1981, the judges approved a series of physical break-ins—black-bag jobs—although FISA plainly grants no such authority to the court.

After the Reagan Administration took office, the Justice Department submitted an application "inviting" the court to renounce any power to sanction break-ins. The Executive Branch wanted to stake out exclusive authority over intelligence-related physical searches, and Judge Hart complied in the court's only published opinion.

Hart correctly delineated the court's jurisdiction in his 1981 ruling. But the fact that the judges had previously violated FISA provisions gives great cause for concern. How many other requests falling outside the parameters of the Act have been similarly approved?

Moreover, Hart's decision demonstrates that FISA does not stand in the way of Executive Branch abuses. Who can authorize black-bag jobs if not the intelligence court? The Attorney General and the President, answers Lawton.

A more disturbing loophole in FISA is that most people spied on with the blessing of the court never find out. Targets of FISA snooping are not notified—unless they are prosecuted. By contrast, targets of criminal surveillance must eventually be informed, even if the G-men hidden in the shadows heard not an inkling of villainy.

The American people have no sure way of knowing whether the FISA court is, in fact, endorsing unreasonable searches and seizures, allowing the indiscriminate dispatch of the "invisible policeman in the home," as Supreme Court Justice William O. Douglas termed electronic surveillance.

Even in those rare criminal cases where a tap or bug surfaces, the accused usually don't find out what prompted the eavesdropping in the first place. Under FISA, the Attorney General may ask the trial judge to review the surveillance application and the order in secret to protect national security.

Every judge who has been asked to conduct a secret review has examined the documents *in camera* and *Ex parte* to determine the legality of the surveillance. Lawyers have argued to no avail that they need to see such information to prepare an adequate defense.

"While the alert eye of an advocate might be helpful in discerning defects in the [application] certificates, I see no reason to believe that an adversary, proceeding is necessary for accuracy," opined the district court judge in the Irish Republican Army case now being appealed.

"We appreciate the difficulties of appellants' counsel in this case," the U.S. Court of Appeals in Washington, D.C., conceded to attorneys for two men incidentally overheard during an FISA surveillance. "They must argue that the determination of legality is so complex that an adversary hearing with full access to relevant materials is necessary. But without access to the relevant materials their claim of complexity can be given no concreteness. It is pure assertion."

Joseph Heller could not devise a sharper *Catch-22*, and Franz Kafka could not have conjured up a craftier prevarication.

To be sure, FISA provides for Congressional oversight as a check and balance against the intelligence tribunal. The Justice Department is required to file semi-annual reports on the court with the House and Senate Intelligence Committees. The committees, however, have neither the time nor resources to review the circumstances behind hundreds of surveillance orders. A staff assistant to the House committee says its members have examined a "handful" of applications; members of the Senate committee have publicly stated that their supervision is not ideal.

And because both intelligence committees operate largely in secret, the public can only speculate about what they learn. FISA requires minimal annual committee reports to Congress, but that provision expires this year. Kastenmeier has asked the House Intelligence Committee to continue reporting, and he predicts it will agree.

"Their oversight is off the record," says Kastenmeier. "Ours [the civil liberties subcommittee's] is on the record. We, as well as the intelligence committee in its own fashion, must review this court and its proceedings." Yet the Justice Department offered little information during Kastenmeier's hearings.

"We still do not know whether this court is working perfectly or whether it isn't working at all," Kastenmeier says. "One problem might be that we don't have a good mix of judges," he adds, noting that Warren Burger appointed "individuals not likely to rock the boat—senior judges, conservative judges." Kastenmeier acknowledges there are "open spots" in terms of what FISA regulates.

The biggest open spots relate to the National Security Agency. The NSA does not need court approval to monitor messages that leave or enter the United States. Nor must it have permission to monitor messages transmitted on lines used exclusively by foreign powers within the United States.

Author James Bamford highlighted another loophole in his recent book, The Puzzle Palace. According to Bamford, the NSA "has skillfully excluded from the coverage of the FISA statute as well as the surveillance court all interceptions received from the British GCHQ [Government Communications Headquarters] or any other non-NSA source. Thus it is possible for GCHQ to monitor the necessary domestic or foreign circuits of interest and pass them on to the NSA. . . ." Bamford points out the British did just this when the NSA snooped on American dissidents in the past.

Protection of our constitutional rights is an all-or-nothing proposition; once an erosive precedent is set, the entire foundation begins to slip.

That is usually the position of the nation's leading civil liberties lobby, but with respect to FISA, the American Civil Liberties Union placed itself in a curious position. After opposing FISA-type legislation for some four years, the ACLU stepped aside in 1978 and implicitly endorsed the final "compromise" bill, though it expressed dismay over the NSA exemptions and the absence of a procedure to notify all surveillance targets.

FISA was "the best we could get," argues Morton Halperin, director of the Center for National Security Studies and one of the ACLU lobbyists at the time. "FISA is working in the sense that it has defined the boundaries of national security wiretaps. In the absence of FISA, the Government was proclaiming the right to tap for whatever reason."

Halperin and ACLU attorney Mark Lynch urged Kastenmeier's subcommittee to compensate for the law's loopholes and ambiguities by ensuring strict Congressional oversight.

In light of today's admittedly weak oversight, however, are the rights of Americans being upheld by FISA? Is privacy better protected in 1984 than it was in 1978?

"A lot more could be done in the area, but it would be a mistake going back," warns Bruce Lehman, a Washington lawyer and former Congressional aide who helped draft FISA. "The thing that gave rise to the court was the assertion by the Justice Department that there was a residual power in the hands of the President and his appointees to engage in searches and seizures without regard to the Fourth Amendment." Lehman feels "safer and more comfortable" knowing that FISA exists.

"I feel considerably less secure," counters lawyer John Mage. Before FISA, he notes, the judiciary had reached no consensus on warrantless foreign-related snooping. But the second most influential court—the District of Columbia Court of Appeals—had imposed standards on the Executive Branch more stringent than those of FISA. "I see no advantage in Congressional approval of the legality" of national security wiretaps, Mage says.

The advisability of FISA could be debated ad nauseam. But some points are indisputable: First, no matter how hard Congress scrutinizes the intelligence court, the judges will continue affixing an imprimatur to the most reprehensible invasion of privacy—electronic surveillance, which the ACLU itself has called "the most intrusive and inherently unreasonable form of search and seizure."

Second, the current Administration displays the same kind of paranoia and loathing of dissent that marked the Nixon era. When the Nixonites tapped the phones of antiwar activists and suspected leakers (including Morton Halperin), they did so in the name of defense against foreign intrigue. Similarly, the Reagan Administration sees a KGB agent behind every nuclear freeze advocate and a Cuban inside every critic of its Central America policies. Reagan has freed the FBI to spy on domestic organizations, and he has heightened Government secrecy.

"You can't let your people know without letting the wrong people know," Reagan said last October in explanation of his tight lip about CIA activities directed against Nicaragua.

The subversion of constitutional rights often takes on a benevolent face. The at-

tacks come not from evil people but from well-meaning bureaucrats, aided in this instance by well-meaning civil libertarians.

The basic freedoms of Americans will be in jeopardy as long as the citizenry fails to challenge the fundamental assumption of the National Security State—that any means can be used against the enemy presumed to lurk within our midst. The Foreign Intelligence Surveillance Court legitimates that assumption and assigns it a permanent place in the American landscape, even if that place is only a conference room in Washington, D.C.●

THE RIFT IN UNITED STATES-SOVIET RELATIONS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. OTTINGER. Mr. Speaker, during the Reagan administration our relations with the Soviets have degenerated almost to cold war status. Yet the President continues with his misguided and ill-fated foreign policy that exacerbates an already deep rift.

Mr. Reagan has had ample opportunity for meaningful discussion with the Soviets on such issues as the deployment of U.S. missiles in Europe, turmoil in Latin America, and conflict in the Middle East. Yet the administration has consistently taken a hard line against the Soviets, maintaining the fallacy that missiles in Europe, marines in Lebanon, and weapons in Nicaragua would cow the Soviet Union into peaceful negotiations.

Instead, the Soviets left the negotiating table in Europe, as they warned they would do, and have sustained an aloof if not disinterested attitude toward Reagan's election year attempts to mend the wounds.

Last week Reagan's disastrous policy in Central America led to near catastrophe when mines placed by U.S. backed Contras in Nicaragua damaged a Soviet tanker, injuring five crewmen. As Mr. Tom Wicker points out in his article from last week's New York Times, the administration's behavior does nothing to improve our reputation with the Soviet Union and pushes others to accept Soviet overtures against the gunboat diplomacy Mr. Reagan favors.

The article follows:

REAGAN'S TERRORISTS

(By Tom Wicker)

Here's one clear and welcome issue between Ronald Reagan and either of his likeliest challengers: Both Walter Mondale and Gary Hart say they would put an end to Mr. Reagan's support for the "contras," who are trying to overthrow the recognized Government of Nicaragua.

The recent mining of a Soviet tanker in the harbor of Puerto Sandino demonstrates again that this is an urgent issue. The President's efforts to overthrow the Government in Managua violate international covenants and stain the integrity of a nation supposedly devoted to law at home and self-determination abroad. And this lawless policy further complicates the thoroughgoing mess Mr. Reagan has made of Soviet-American relations.

The mines were sown at Puerto Sandino by "contras" who are funded, armed, supported, partly trained and largely organized by the Central Intelligence Agency for the express purpose of overthrowing the Nicaraguan Government. The Reagan Administration piously denied any responsibility for the mines, but that's like saying Mr. Reagan is not responsible for the C.I.A.

Who's President? Who sanctions the contras? Who periodically seeks funds for them from Congress? Ronald Reagan does, and it's outright dishonesty for his spokesmen to wash their hands and his of responsibility for what verged on a serious international incident. (Five Soviet crewmen were wounded; suppose they'd died?)

It's sheer hypocrisy, too, for Mr. Reagan to push a guerrilla insurgency against Nicaragua while denouncing such tactics in El Salvador and condemning "state terrorism" directed against U.S. forces in Lebanon. What does he imagine the efforts of the C.I.A.-directed contras amount to, if not "state terrorism"?

And if Moscow should use the Soviet tanker incident as a pretext for supplying minesweepers to Nicaragua, does Mr. Reagan think that the Marxist regime in Managua will become less dependent on the Russians? His strong-arm pressures on Managua may be producing the opposite effect.

Francois Mitterrand, the strongly anti-Communist French President, concluded his visit to Washington with a warning against just such "new causes of dissension or conflict," at a time when the Soviet Union may be reassessing its arms control position—and at a time, he might have added, when the Reagan Administration professes so earnestly to seek renewed diplomatic discussions with Moscow.

That won't be easy, even assuming Mr. Reagan is not staging a mere election-year show of kiss-and-make-up with the "evil empire." Just recently a private American envoy, Gen. Brent Scowcroft, who made it known he was carrying a personal letter from Mr. Reagan, was flatly refused an interview with Konstantin Chernenko, the Soviet leader. What more persuasive evidence is needed of the low esteem in which Moscow holds Mr. Reagan as a bargaining partner?

Some Administration officials attribute the continued Soviet hostility to an unwillingness in Moscow—particularly since the Democratic Presidential race has heated up—to do anything that might be helpful in re-electing Mr. Reagan. Others say the recent change of leadership there produced a continuing struggle for power, during which new policy developments are not to be expected.

Leslie Gelb of The New York Times, who reported the rebuff to General Scowcroft, also found speculation within the Administration that the Russians meant what they said when they pledged to break off negotiations if the U.S. deployed medium-range missiles in Europe; and now mean what they say when they refuse to return to arms control talks unless Washington withdraws the missiles.

There's no real reason to doubt the third of these explanations; over a period of four years, Moscow has repeatedly made clear its profound opposition to U.S. missiles in Europe. But Ronald Reagan insisted that only when the missile deployment began would the Russians see that the U.S. was determined; only then would they begin to talk seriously about arms control. He was wrong.

He may have been just as wrong, therefore, in pushing through the deployment rather than making a deal both sides could accept—a deal that many arms control specialists believe could have been made, had Mr. Reagan wanted it more than he wanted the missiles. And even now, while ostensibly trying to get Soviet-American relations back on track, the Reagan Administration is divided along State Department-Pentagon lines on the question whether to seek Senate ratification of two relatively minor treaties governing underground nuclear testing.

Both sides have observed the treaties for years, although both charge occasional violations. Mr. Chernenko has said he would regard ratification as evidence of peaceful U.S. intentions; but what he gets, instead of even this small step toward better relations, is one of his oil tankers blown up by Mr. Reagan's terrorists.●

ROMANIA'S REVEREND STEFANUT AND RELIGIOUS PERSECUTION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. GINGRICH. Mr. Speaker, I would like to call to the attention of my colleagues the plight of a Romanian pastor named Iosif Stefanut. Pastor Stefanut was arrested and fined for possessing and distributing religious materials that were improperly taken into Communist Romania. The Romanian Government has repeatedly said that such religious materials can be brought into the country legally. Requests by average Romanians to obtain these items are, however, continuously denied. This classic catch-22 situation has led pastors such as Reverend Stefanut to seek religious materials which were brought into the country in the only possible way: By smuggling them past the Communist authorities.

After having his apartment searched, Reverend Stefanut was arrested and tried for this supposed crime. He was eventually fined 15,000 lei (a little more than $1,000).

This repression of religious freedom is morally repugnant to Americans. Where does a government get the right to suppress materials which would bring spiritual and emotional uplifting to its citizens? Americans believe that our right to freedom of religion goes past the Constitution and originates from a supreme being; the Communist regimes claim that their right to suppress religion comes from Marx and Lenin. But Communist ideology has not been able to replace the spiritually satisfying role of religion in these oppressed people's lives. While it

is easy to physically harass, persecute, or jail a person, the human spirit is not so easily repressed. Aleksander Solzhenitsyn, who gained his knowledge of persecution through firsthand experience, answers why. For the believer, his faith is supremely precious, more precious than the food he puts in his stomach. Pastor Stefanut is an inspirational example of this type of faithful believer.

At the recent Madrid Conference, Romania signed the Final Document, which pledged that nation to recognize the right of human beings to worship and practice any religion in accordance with the dictates of his own conscience. The United States, having also signed this document, is morally obligated to denounce the violations of the agreement along with the treatment of Pastor Stefanut. While most of the liberals in this country are speaking out solely about rights abuses in Central America, we must not allow the people of Eastern Europe to believe that we are ignoring the morally outrageous actions of their governments. I urge the Members of this body to join me in calling upon the Romanian Government to respect the most basic and undeniable human rights; freedom of religion and conscience.●

MEESE PROVES HIMSELF UNFIT

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. SIKORSKI. Mr. Speaker, from forgotten $15,000 loans to suspect governmental appointments and denials that he ever saw various Carter administration briefing materials, the story surrounding the now-suspended confirmation hearings for Ed Meese has become more and more complicated and more and more disturbing.

The following editorial is by Mr. Elmer L. Andersen, former Governor, and a distinguished businessman, and publisher in Minnesota. It was printed in the Thursday, March 29, 1984, edition of the Elk River Star News, and is an excellent expression of the serious concern which surrounds any further consideration of Mr. Meese for this important post.

[From the Elk River Star News, Mar. 29, 1984]

MEESE PROVES HIMSELF UNFIT

White House aide Edwin Meese has been nominated for attorney general by President Ronald Reagan. The Senate hearing on confirmation has been so plagued with revelations of financial transactions between Meese and people who later received federal appointments that Meese finally requested that hearings be delayed and an investigation of the charges be made, hoping to clear his record and his name.

There is no doubt the transactions took place. That is enough to render Meese unfit for attorney general or the position he now holds. It is important to have the inquiry which, if it indicated appointments were tied in any way to the financial transactions, would subject Meese to indictment and trial for breaking the law. If no connection is indicated Meese will have cleared himself of any illegal action. But he will not have cleared himself of conflict of interest actions that are the true test of ethical conduct worthy of public office.

It ought to be obvious to Meese and many others in Washington that the only way to avoid these situations is to not to engage in activities that would even permit of the possibility of illegal or corrupt activity. Meese should have had no financial relations whatever with anyone who might be seeking or considered for federal appointment. If, in an unanticipated way, that developed he should end the financial transaction immediately.

To have several loans, under favorable terms, occur with people who later become federal appointees is just too much. Furthermore, it is obvious that Meese has personal financial problems or his needs could have been handled through normal bank channels. For his own good he ought to get back to private life where he can give his private affairs the attention they need. It is said there are many others in Washington who have been guilty of far worse. If so, the evidence should be disclosed and appropriate action taken. Over and over it has been made clear that the people of this country want its public officials free of conflict of interest involvement and President Reagan would be well advised to encourage Meese to put an end to the embarrassment by leaving.—Elmer L. Andersen.●